

Land Use & Growth Management

This element of Mashpee's Comprehensive Plan is intended to serve as:

- an inventory of existing land uses,
- a history and projection of land use and population growth,
- a discussion of important land use issues facing the town,
- an analysis of projected growth impacts on town services, facilities and quality of life,
- a synthesis of land use-related recommendations from the other elements of the Plan and
- a statement of policies and actions required to cope with projected growth and ensure a continued high quality of life.

Goals & Objectives

In 1992, 633 residents returned a Town public opinion survey to kick off work on our Comprehensive Plan. That survey contained three pages of questions on Land Use and Community Character. The responses, as summarized below, were largely consistent with those of a 1984 Town Meeting survey (please note that percentages are of total surveys returned, not of persons answering each question, so they do not usually add up to 100%):

- When asked if Mashpee was growing too fast, 74% said yes, 10% no and 14% thought the rate of growth was "just right" (this following a year in which building permits issued had been lower than any year since the sixties, except for three years during the Wampanoag land suit).
- At the time, "buildout" of the town was projected to allow 27,000 year-round and 41,000 summer residents. Only 9% thought that growth to that level would benefit the town while 69% disagreed. Only 11% indicated that they would enjoy living in Mashpee if its population increased to that level while 66% said they wouldn't.
- When asked what population they believed would be ideal for Mashpee, 32% preferred 10-15,000 year-round, while 18% said 15-20,000. 15% preferred a population below 10,000 while only 8% wanted more than 20,000 residents. 25% preferred a summer population of 20-30,000, while 17% each favored 10-20 or 30-41,000.
- 61% supported Town land purchases to reduce potential population while 13% were opposed and 19% unsure. 76% supported zoning changes to do the same, with 8% opposed and 12% unsure.
- When asked what kind of development they would support or oppose in their own neighborhood, strong opposition was indicated to hotels and motels (66-75%), miniature golf courses (68%), fast-food restaurants (67%), high density (4 units per acre) subdivisions (62%), large condominium developments (75%), just about any retail or wholesale development (58-77%), larger single-family or duplex affordable housing projects (65-69%), large apartment buildings (71%), gas stations and car washes (64-70%), mini-warehouses (73%), a "horse or dog track employing 200 people and producing large tax revenues" (77%), "high priced housing which would produce large tax revenues but is proposed in an environmentally sensitive area" (65%), flea markets (65-69%) and high density "traditional" neighborhoods of single-family and apartment housing on small lots (74%). The only use favored in their neighborhood by respondents was a "cultural facility such as a concert hall, art gallery or museum", favored by 44% and opposed by 37%. There were no other listed uses which respondents favored in their own neighborhoods, although "a quality restaurant (such as the Flume or Popponesset Inn)" came close, with 39% in favor and 42% opposed.
- Asked whether they favored the same uses "elsewhere in town", strong support was given to a "software development firm employing 200 people (70% in favor), a small manufacturing firm with 25-50 employees (67%), a grocery "super store" (57%), cultural facilities (70%), quality restaurants (68%), a

"small office building housing 20 employees" (67%), a "100-bed nursing home on 5 acres" (62%), a walk-in medical clinic (62%), a neighborhood business such as a food store or hardware store (57%, although 47% to 33% opposed them in their own neighborhood), a "scientific research complex on 50 acres of undeveloped land (57%), a public basketball court (58%), a health club / fitness center (57%) and a wind power generation facility (59%). Strongly opposed, even "elsewhere in town" were large single-family or duplex affordable housing projects (57%, although such projects limited to 5 units on a site were favored 43% to 31%), apartment buildings (56%), a "5-10 store factory outlet mall" (57%), a "200-unit mini-warehouse (58%), a "state prison providing 200 jobs" (72%), "high-priced housing which would produce large tax revenues but is proposed in an environmentally sensitive area" (60%), a "horse or dog track employing 200 people and producing large tax revenues" (71%), a high density "traditional" neighborhood of single-family & apartment housing on small lots (70%) and a "computer factory which would employ 400 people but is proposed in an environmentally sensitive area" (61%).

- 76% (to 7%) indicated that they liked the appearance of the buildings in Mashpee Commons. 59% (to 19%) favored Town adoption of architectural design regulations for the rotary area requiring building styles similar to those in Mashpee Commons.
- 51% (to 24%) favored expansion of the Mashpee Commons commercial area.
- When asked if they felt the Town should attempt to reestablish the original town center at the intersection of Main Street and Great Neck Road North "as a viable commercial / residential center", 36% were in favor and 41% opposed, with 12% unsure.
- 50% favored "the concept of clustering development in certain high-density areas as a tradeoff for leaving other environmentally sensitive areas undeveloped", while 17% were opposed and 19% unsure.

Along with the Goals, Policies and Minimum Performance Standards contained in the County's Regional Policy Plan, the work of the 1985-86 Committee on Mashpee's Goals and Priorities, the results of "issues forums" held in 1992 and a 1995 "Vision Workshop", these survey results were a primary source in developing the recommended Land Use & Growth Management Goals and Objectives of this Plan.

After a public hearing on the staff-level draft of those Goals and Objectives held by the Planing Board on February 15, 1995, the following final draft was adopted by vote of the Local Planning Committee (Planing Board) on August 2, 1995:

GOAL #1. TO MAINTAIN MASHPEE'S SMALL TOWN RURAL/RESORT CHARACTER.

GOAL #2. TO MAINTAIN OR IMPROVE MASHPEE'S AIR AND WATER QUALITY.

GOAL #3. TO MINIMIZE THE IMPACT OF GROWTH ON PROPERTY TAXES.

GOAL #4. TO ENSURE THAT THE AMOUNT OF DEVELOPMENT IN MASHPEE IS CONSISTENT WITH THE CARRYING CAPACITY OF ITS NATURAL ENVIRONMENT AND THE MAINTENANCE OF ITS QUALITY OF LIFE.

Objectives

- A. To maintain a buildout population target of approximately 15,000 year-round and 30,000 summer residents.
- B. To limit the rate of growth in Mashpee's housing stock to no more than 2 1/2% per year.
- C. To minimize the amount of land required for new development through clustering and other compact forms of development.
- D. To ensure that new growth is directed toward designated village and industrial centers.
- E. To avoid new "strip" commercial zones and to ensure that development in existing strip areas is designed to maintain or improve the visual quality, safety and traffic-carrying capacity of our major roadways."
- F. To provide for limited neighborhood-serving businesses where appropriate.

- G. To ensure that new growth is discouraged and directed away from sensitive natural resources, critical wildlife habitat, the National Wildlife Refuge and other designated open space areas.
- H. To ensure that new growth is directed away from public well recharge areas unless it is serviced by wastewater treatment and disposal facilities located outside such recharge areas."
- I. To ensure coordination of planning and management efforts between the Town and the Massachusetts Military Reservation in order to minimize any adverse impacts of military operations on Mashpee residents and visitors and to take advantage of any opportunities for mutual benefits.
- J. To ensure coordination of the Town's land use planning and management efforts with those of the county, neighboring towns and state or federal agencies owning land in Mashpee.
- K. To ensure that land uses which will provide a net fiscal benefit to the Town are attracted to Mashpee, provided that they do not adversely impact the Town's environment or other critical interests.
- L. To minimize any additional tax burden created by new development and ensure that such development covers the costs of any new facilities or services it makes necessary.
- M. To ensure that the design of new development and redevelopment will promote energy efficiency, public safety, efficient provision of public utilities and services and a pleasing visual environment and will protect sensitive natural resources.
- N. To increase the number, range and quality of the retail, service, recreational and cultural opportunities available to Mashpee residents and visitors.

Land Use and Population Projections

In order to develop a number of the elements of this Comprehensive Plan, it was necessary to prepare projections of residential units, population and non-residential floor areas. These were used in various ways in the Affordable Housing, Transportation, School Facilities, Water & Wastewater Facilities and other elements of the Plan.

Population projections used the 1990 U.S. Census as a starting point in order to take advantage of the block-level data available on population, housing, age groups, home values, rents and seasonal occupancy rates. This data was aggregated, and in some cases apportioned, to 161 Planning Zones (see Map 5-1). Those Planning Zones are identified by four digit numbers allocated to facilitate aggregation to 97 "Aggregated Planning Zones" (APZs), 17 "Planning Areas" (PAs) and the four census tracts used for the town by the 1990 Census. Using the 1990 Planning Zone data as a base, housing for each zone was updated to January 1, 1994 using the Mashpee Assessors' computerized "date of construction" files to add housing units

Mashpee Population – U.S. Census 1790-1990

<u>YEAR</u>	<u>POPULATION</u>	<u>YEAR</u>	<u>POPULATION</u>
1790	308	1900	313
1791	155	1930	361
1792	139	1940	434
1793	150	1950	438
1794	309	1960	867
1795	328	1970	1288
1796	348	1980	3700
1797	346	1990	7884

Mashpee Planning Zones

Map 5-1

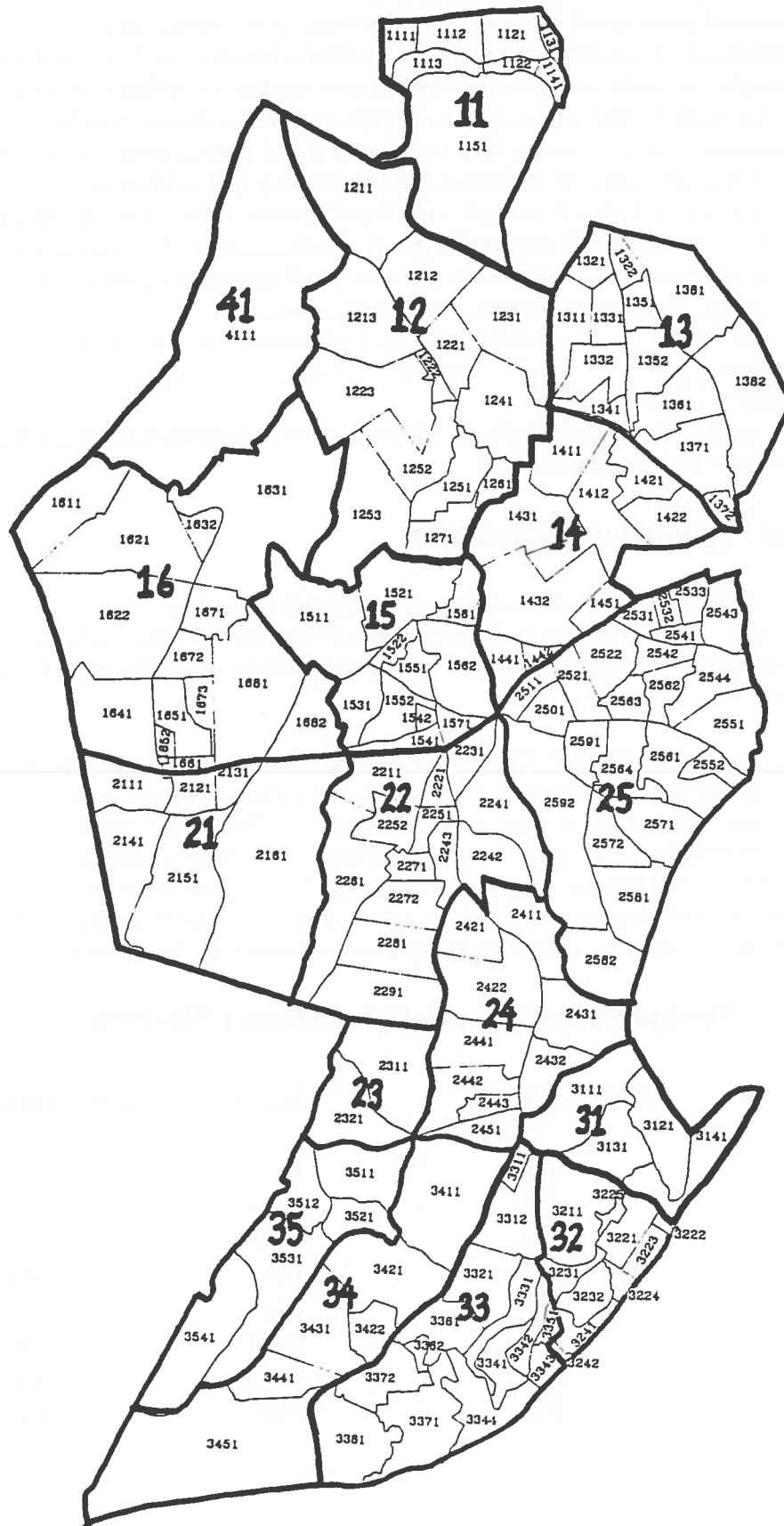


Table 5-3 2004 Low vs. High Projected Housing & Population

PA / Tract	YEAR-ROUND						SUMMER @ 95% Occupancy			
	Total Units		Occupied Units		Persons		Occupied Units		Persons	
	LOW	HIGH	LOW	HIGH	LOW	HIGH	LOW	HIGH	LOW	HIGH
11	163	186	94	110	264	306	155	177	533	604
12	477	499	355	371	906	956	455	473	1434	1499
13	829	854	699	722	2012	2,070	789	812	2649	2718
14	576	605	401	422	986	1,033	546	573	1702	1781
15	253	305	133	160	278	334	240	291	736	892
16	1,419	1,576	841	925	1848	2,020	1,350	1,499	4119	4572
151	3,717	4,025	2,523	2,710	6,294	6,719	3,535	3,825	11,173	12,066
21	279	306	213	232	528	583	260	282	298	907
22	662	824	356	456	712	888	629	784	1810	2314
23	152	162	88	94	220	234	144	154	468	499
24	251	263	143	147	381	400	238	250	799	849
25	1,139	1,129	604	643	1,503	1,612	1096	1,199	3608	3974
152	2,483	2,684	1,404	1,572	3,344	3,717	2,367	2,669	6,983	8,543
31	440	445	119	121	243	246	418	423	1414	1431
32	750	768	186	191	373	384	714	731	2433	2491
33	1065	1,321	201	248	407	496	1010	1,254	3407	4256
34	292	301	72	75	169	180	276	285	966	1000
35	373	391	169	178	386	408	355	372	1156	1212
153	2,920	3,226	747	813	1,578	1,714	2,773	3,065	9,376	10,390
TOWN	9,120	9,935	4,674	5,095	11,216	12,150	8,675	9,559	27,532	30,999

Table 5-4 "Current" vs. "Adjusted" Buildout Projections

PA / Tract	YEAR-ROUND						SUMMER @ 95% Occ.			
	Total Units		Occupied Units		Total Persons		Occupied Units		Total Persons	
	Current	Adj.	Current	Adj.	Current	Adj.	Current	Adj.	Current	Adj.
11	201	201	139	139	387	387	192	192	645	645
12	762	689	626	557	1689	1497	725	654	2329	2099
13	1039	998	920	884	2662	2473	986	947	3305	3089
14	709	753	528	585	1406	1369	674	715	2179	2107
15	657	702	391	428	860	925	625	668	1905	2009
16	1930	1954	1395	1425	2955	3014	1834	1857	5202	5245
151	5298	5297	3999	4018	9959	9665	5036	5033	15565	15194
21	413	444	337	366	888	931	357	307	1244	1303
22	1053	1281	730	915	1610	2161	1003	1220	2947	3698
23	181	181	114	114	285	285	172	172	552	552
24	412	341	251	226	681	624	392	324	1317	1088
25	1471	1498	856	882	2123	2217	1398	1424	4525	4631
152	3530	3745	2288	2503	5587	6218	3322	3447	10585	11272
31	463	463	148	148	301	301	440	440	1458	1458
32	800	803	242	243	488	491	761	764	2540	2551
33	2229	1635	526	380	1033	744	2118	1553	7230	5307
34	507	336	221	108	570	255	481	319	1639	1092
35	473	430	243	216	585	498	449	408	1462	1311
153	4472	3667	1380	1095	2977	2289	4249	3484	14329	11719
Town	13300	12709	7667	7616	18523	18172	12607	11964	40479	38185

actually built in 1990-1993 (as opposed to building permit data, which can include units never, or not yet, built).

Projections were then done for two future conditions: 2004 and “Current Buildout” of the town, meaning the theoretical point in time at which all land in the town is developed to its maximum potential under current zoning and existing permits

2004 and buildout housing projections began with a lot-by-lot analysis by the Planning Department of housing units which would be allowed by current permits where valid special permits or other permits were in place, by “grandfathering” rules where they applied to existing lots and by current zoning for raw land, with consideration given to wetlands and access issues as well. For each Planning Zone, a resulting “remaining residential development potential” was thus totaled.

For the ten year period to 2004, two projections were made, resulting in a range of estimated potential residential growth by that date. The “high” projection was based on 2 1/2% annual growth in housing stock, the maximum allowed by the Town’s existing Growth Management zoning bylaw, plus units allowed under phasing schedules for special permit projects which are exempt from the bylaw. This “high” approach projects 190 units for 1994, increasing to 248 in 2003 under the 2 1/2% cap and resulted in an average growth of 233.5 units per year. This represents our maximum possible housing growth, the “worst case” scenario. The second, or “low” projection, was based on the 1990-94 annual average of building permits for new residences, roughly 141 units per year, plus exempt special permit units. It resulted in average projected housing unit growth of 179.9 units per year.

“Current Buildout” housing unit projections were done using the maximum units indicated by the lot-by-lot analysis described above. The year-round occupancy rate was increased to 57.6% town-wide (vs. 45% in 1990). Should seasonal homes someday be replaced by year-round homes at an even greater rate, even our highest population projections could be greatly exceeded.

Summer occupancy for both projections was done using a 95% occupancy rate for most planning zones. Non-residential projections were based on the maximum new square footage allowed in each Planning Zone based on the lot-by-lot analysis.

In order to estimate the impact of certain recommendations contained in this Comprehensive Plan, as well as to reflect a more realistic scenario regarding development of some properties under current zoning and permits, a second “adjusted buildout” projection was also made for housing and non-residential development. The “Adjusted Buildout” scenario resulted in 591 fewer residences than “Current Buildout” and reduced peak summer population from 40479 to 38185.

Land Use Issues

The full text of this element deals with a variety of land use issues which must be addressed by the Town in coming years. Chief among these are the following:

- Land uses incompatible with water resource protection
- Traffic impacts of development
- Community character and appearance
- Land uses poorly or not addressed by zoning, such as
 - golf courses
 - fast food restaurants

campgrounds
“adult” uses
nursing homes, “congregate care” and “assisted living” facilities
age-restricted retirement communities
wireless communications towers

- Growth / activity centers
- Regulatory / procedural issues
- Cluster subdivision regulations
- Commercial clusters and
- Mixed-use development

Land Uses Incompatible With Water Resource Protection

The rapid growth of Mashpee over the last few decades has inevitably spawned a variety of incompatibilities between the things we’ve built and the health of our natural environment, the capacity of our infrastructure, the appearance and character of our town and our overall quality of life.

The most well known, and arguably the most serious, of those incompatibilities is reflected in the significant degradation of our water resources. Coastal shellfish beds have been closed and shellfish harvests greatly reduced for many species. Rivers and ponds have become eutrophic or almost so. A vast portion of our underground water has become contaminated and unfit to drink, greatly increasing our need for expensive public water facilities while at the same time reducing our options for locating public wells.

The causes of these problems lie primarily in the way we have used our land. The development of, and ensuing operations at, the Massachusetts Military Reservation have had a massive impact on our groundwater (as well as on noise levels, property values, psychological stress associated with health concerns and the overall quality of life). MMR represents, in the clearest terms, an example of the potential adverse impact of land development activities on our environment and on us.

On an individually smaller scale, but with equally large cumulative impacts, the residences and businesses built in recent decades have impacted our water resources and many of the other elements that make up our “quality of life”. Every resident in every house in town flushes wastes into our groundwater with every flush of the toilet. Until recently, we buried our household trash above our groundwater at a “landfill” where rainwater leaches out pollutants. Our motor vehicles leak hazardous fluids when parked and produce chemicals from exhaust, tires and brakes that get into groundwater and streams as rainwater washes them off extensive paved surfaces. Those same surfaces and other man-made surfaces direct nutrients from bird droppings, pet wastes and acid rain directly to our groundwater through engineered drainage structures which eliminate the possibility of treatment by plants and soil bacteria. This list of impacts could be extended further, but the point to be made is that almost everything we build or do on the sands that underlie our town affects the groundwater below.

Some of the things we’ve done are worse than others. High-density residential development using septic systems originally intended for low-density rural areas is one clear example of “dumb” development (see Map 6-1). The use of unlined Town landfills and “septage lagoons” is another. Some things can be fixed through new, usually expensive, technologies (such as denitrifying septic systems or sewage treatment plants). Other problems may be with us for a long time.

While removing ourselves and our buildings from the town is clearly not a viable option, we must reduce our impacts, hopefully to a point at which a balance is reached between our impacts and needs and the health of the ecosystem we live in.

Table 4-1**Existing Land Uses**

Land Use	Acres	Square Miles	% of Total
Single Family Residential	2472.878	3.864	17.79%
Multi Family Residential	701.070	1.095	5.04%
Nursing Home	4.135	0.006	0.03%
<i>Residential</i>	<i>3178.083</i>	<i>4.966</i>	<i>22.86%</i>
Motel	2.533	0.004	0.02%
Restaurant/Retail/Office	150.952	0.236	1.09%
Auto Related Business	10.086	0.016	0.07%
Marinas	4.761	0.007	0.03%
<i>Commercial</i>	<i>168.333</i>	<i>0.263</i>	<i>1.21%</i>
Industrial/Office	56.193	0.088	0.40%
Storage, Warehouse & Distribution	18.372	0.029	0.13%
Utilities	22.519	0.035	0.16%
<i>Industrial</i>	<i>97.084</i>	<i>0.152</i>	<i>0.70%</i>
Municipal Buildings	36.853	0.058	0.27%
Schools	102.197	0.160	0.74%
Libraries	1.946	0.003	0.01%
Cemeteries	8.057	0.013	0.06%
Waste Disposal Facilities	61.387	0.096	0.44%
Churches	17.072	0.027	0.12%
Youth Camps	34.344	0.054	0.25%
Air Force/Military Base	1092.107	1.706	7.85%
Mashpee Water District	81.185	0.127	0.58%
Mashpee Housing Authority	8.425	0.013	0.06%
Town-owned Vacant	324.368	0.507	2.33%
Town-owned Ways to Water	10.176	0.016	0.07%
Non-Profit Institutional	64.007	0.100	0.46%
<i>Institutional</i>	<i>1842.123</i>	<i>2.878</i>	<i>13.25%</i>
Cranberry Bogs	136.087	0.213	0.98%
Agriculture Excluding Cranberry Bogs	34.199	0.053	0.25%
<i>Total Agriculture</i>	<i>170.286</i>	<i>0.266</i>	<i>1.22%</i>
Public Parks/Open Space/Conservation Lands	3272.766	5.114	23.54%
Golf Course	553.044	0.864	3.98%
Private Beaches/Swimming Areas	19.863	0.031	0.14%
Private Open Space	805.830	1.259	5.80%
<i>Open Space and Recreational</i>	<i>4651.503</i>	<i>7.268</i>	<i>33.46%</i>
Vacant Industrial Land	78.501	0.123	0.56%
Vacant Commercial Land	354.408	0.554	2.55%
Vacant Residential Land	3363.031	5.255	24.19%
<i>Vacant Developable Lands</i>	<i>3795.939</i>	<i>5.931</i>	<i>27.30%</i>
TOTAL	13903.351	21.724	100.00%

Mashpee Land Use Inventory

Map 4-1

- 
- Cranberry Bogs
 - Agriculture excluding Cranberry Bogs
 - Single Family Residential
 - Multi Family Residential
 - Nursing Home
 - Vacant Residential
 - Restaurants/Retail/Office
 - Auto-related Business
 - Motels
 - Marinas
 - Vacant Commercial
 - Industrial/Office
 - Storage, Warehouse and Distribution
 - Vacant Industrial
 - Utilities
 - Municipal Facilities
 - Mashpee Transfer Station
 - Town Landings
 - Town-Owned Vacant Land
 - Schools
 - Cemetery
 - Mashpee Housing Authority
 - Otis Air Force Base
 - Water District
 - Churches
 - Non-Profit Institutional
 - Youth Camps
 - Public Open Space
 - Private Open Space
 - Golf Courses
 - Private Beaches, Swimming Areas & Developed Recreation

Mashpee Planning Department

Source(s): January 1, 1994 Assessor's Dept. data,
Cape Cod Commission, Town Planner

Traffic Impacts of Development

Two-lane roads have a certain capacity to handle traffic reasonably safely and expeditiously. As just about every (paved) road in town has had two lanes for as long as anyone can remember, while Mashpee has grown tremendously, we may have been under the impression that our road system could continue to “handle” that growth indefinitely. The last few years have provided a rude awakening, as traffic has backed up during the summer on Route 151, Route 28 and even on Great Neck Road North. Portions of those roads have begun to reach the limits of two-lane roads. Driving has become a miserable experience at certain times. Projected population growth and resulting traffic projections portend much worse things to come.

Intersections are the choke points of our roadway system. Until recently, Mashpee had not a single traffic light. We now have our first, and others are likely in the next few years. When there was little traffic on our roads, poorly designed intersections, like that near Town Hall, were of little concern because there were few cars to bump into each other. Now they are full of cars and have become both dangerous and exacerbating. Trying to get onto Route 28 from Quinacisset Avenue or Sampson’s Mill Road can be a hair-raising experience. Projected population growth and resulting traffic projections promise more difficult days ahead.

When most of Mashpee was undeveloped, there were few commercial and residential driveways encountered as one drove along the main roads. Now one must be constantly on the lookout in some parts of the town for cars entering from driveways and side streets. Cars waiting to turn left to enter such driveways and new streets stop traffic behind them that once would have sped along its way without interruption. Cars with inattentive drivers increasingly crash into those waiting to make left turns.

Both the overall level of growth in the Town and too many poorly designed and located driveways and street intersections have increased travel times, delays and safety problems. Driving in Mashpee is a much less enjoyable experience than it once was. How we deal with the issue is an important part of this Comprehensive Plan. Cutting down our potential “buildout” population is one way to reduce the level of future traffic problems. Providing additional traffic capacity and other approaches, including intersection alternatives to signals, transit and other non-auto alternatives, are considered in more detail in the Transportation element of this Plan.

Community Character and Appearance

As Mashpee has become more densely developed, the background of pine / oak woodlands that was once the predominant visual feature of our landscape has, in many places, been eliminated or chopped up into scattered pieces in a checkerboard of conflicting landscapes and visual experiences. Particularly in commercial areas, each lot has traditionally been landscaped (or merely denuded) with no connection with, or reference to, either the neighboring properties or the native vegetation of the area. In recent years, some progress has been made, through the permitting process, in retaining existing overstory trees along the road frontage of some commercial projects. Others have continued to clear-cut lots and then substitute tiny shrubs that are often not maintained.

A number of regulatory and permitting approaches should be considered to improve landscaping practices and maintain the visual character of the town. Regulations should be considered which would prohibit, or require permits for, clear-cutting of lots and mandate the retention of uncut buffer areas along the perimeters, and especially the road frontage(s), of any lot. General landscaping standards should be adopted for multi-family, mixed-use and non-residential projects through zoning and as part of the special permit regulations adopted by the Planning Board and Zoning Board of Appeals. Minimum standards should also be adopted for the design and landscaping of parking lots, often the predominant and most visually

problematic use on non-residential properties. Such rules should require that all trees over a certain diameter, as well as other “specimen” trees, be indicated on project site plans and be retained, where feasible, as part of project landscaping (and in all cases within required buffer areas along roadways and property lines). Preference should also be given to the use of landscaping materials that are native to, or common on, Cape Cod.

In addition to landscaping practices, the things that we build can often have a negative impact on the character and appearance of the community. By intent, signs “stick out” in the visual landscape. Their number, size, materials, lighting and consistency with other neighboring signs can determine whether they function properly without disrupting the visual character of a neighborhood, or become a blight on the landscape. We should periodically review our sign codes to ensure the former, rather than the latter.

While there are limitations on how far the Town can go in regulating the appearance of buildings through zoning, particularly regarding type of materials and construction methods, design guidelines should be developed and adopted in order to encourage structures which will be both aesthetically pleasing on their own and consistent with the traditional character of the area. Dimensional regulations contained in the Zoning Bylaw should be reviewed for their appropriateness in maintaining building scale that is consistent with the character of, and not detrimental to, the surrounding neighborhood. In some cases, overlay districts, such as that adopted for Popponesset Beach, should be considered to emphasize and protect the distinctness of a neighborhood.

Accessory uses and their location also require careful planning and design to ensure that they do not become eyesores or detract from the neighborhood. Consideration should be given, for example, to requiring that parking lots in certain areas be located to the side or rear of buildings rather than the front and to the proper design and screening of loading docks, trash disposal / storage areas, utility structures and other elements typically required for larger or non-residential developments.

A more specific and powerful tool available for maintaining the character and appearance of an area is designation of a Historic District. Such a district should be considered for the traditional center of the Town in the vicinity of Town Hall and along Main Street (Route 130).

Another “visual” issue that is currently unregulated in Mashpee, but possibly should be, is site lighting, which can have a major impact on abutters and on the traditional rural character of the town (i.e. the dark night sky one might expect in a rural, vs. urban, area). The Cape Cod Commission regulates lighting impacts of Developments of Regional Impact. However, smaller projects can have serious impacts on abutters as well. Many towns have adopted zoning regulations to deal with the issue. Mashpee should consider adoption of similar regulations.

Finally, while regulating the appearance of development by others, the Town should take the lead in ensuring that its own buildings and other development projects are appropriately and attractively designed and landscaped. Landscaping should be improved at our public buildings and along our roadways, which are the most prominent and visible pieces of real estate the Town owns. Appearance should also be considered, along with function and safety, in the design of roadway improvements, bikeways and parking areas. The use of attractively landscaped “roundabouts” rather than unsightly traffic signals and multiple turn lanes should be considered at a number of problem intersections, including that of Great Neck Road North with Main Street. Additional discussion of this issue can be found in the Heritage Preservation/Community Character element of this Plan.

Land Uses Poorly / Not Addressed by Zoning

While the town currently has four 18-hole **golf courses**, all were created as adjuncts to residential developments on land designated as open space, with no design guidelines. There are no provisions for free-standing golf courses. The town should develop standards and regulations that would allow new golf courses to be accommodated in residentially zoned areas.

Mashpee does not yet have a “traditional” **fast food restaurant** such as McDonalds or Burger King. Concerns from Town officials and the neighborhood regarding recently developed drive-up doughnut shops, along with the recent court case involving a *McDonalds* proposed for Woods Hole, have pointed out weaknesses in our current zoning and potential conflicts between such uses and their surrounding neighborhood. The Town should consider revising its zoning regulations to more appropriately deal with the characteristics and impacts of such uses that differ from those of other uses generally permitted in commercial areas. The approach taken by Falmouth’s proposed bylaw, breaking restaurants into a number of classifications might be considered. A more refined breakdown of commercial zoning district types might also be considered, to more closely fit allowed uses and regulatory requirements to particular areas of the town.

While Mashpee has attempted to position itself as a “green tourism” destination based on its natural amenities, the newly-established Mashpee National Wildlife Refuge and our other conservation lands, we prohibit **campgrounds**, which are traditional accommodations favored by many “green” tourists and families. While many current residents first experienced Mashpee while camping at Wilson’s Grove and Popponesset Beach, a significant proportion of residents have seen campgrounds as low class operations not providing the kind of tax revenues and community image that they would prefer. Given the current Town focus on green tourism noted above and the lack of hotels in the town which could benefit from tourist dollars generated by the Wildlife refuge and other natural amenities, it may be time to revisit the issue.

Mashpee has the Cape’s only “adult entertainment establishment” (i.e. “strip club”). Because of fears that we might soon get another, a number of residents have asked the Town to adopt **adult use** zoning regulations under M.G.L. Chapter 40A, Section 9A of the state Zoning Act. (Outright prohibition is illegal under state law and the provisions of the First Amendment of the U.S. Constitution.) (Such regulations have been adopted since approval of this Comprehensive Plan.)

The issue of school funding has been a prime concern for a number of years, as school populations and costs have soared, causing a parallel rise in tax rates. The Town has, partially in response, enhanced economic development efforts to attract commercial and industrial development that would build up our tax base without adding significantly to municipal costs. While such efforts may have a marginal impact on tax rates for other residents, the overwhelming majority of the town’s tax base is residential property. Of that, the Town is fortunate that more than half is occupied only seasonally and, therefore, not likely to impact school populations or have a significant impact on Town costs. Those homes have been the key to the Town’s fiscal health for decades. While it would be difficult to regulate whether homes are occupied year-round or seasonally in order to maintain the health of the Town’s balance sheets, there are other forms of residential development that could have the same result. These are residences that are age-restricted to persons over 55 (allowable under state law) and other forms unlikely to be occupied by families. These include **nursing homes**, “**congregate care**” and “**assisted living**” facilities, as well as **age-restricted retirement communities** (such as Southport). While the Town allows nursing homes, they are limited to commercially zoned areas. Under a 1989 amendment to the state Zoning Act, the Town is required to treat congregate care / group homes *for the disabled* in the same manner as any home in which a “traditional” family might reside. The other forms of development are not provided for in our zoning. (Southport was developed under an old bylaw that was eliminated in the mid-80s.) The Town should consider developing specific zoning

regulations allowing some or all of these uses in residential zones, with adequate safeguards to avoid adverse impacts on neighbors and the town's natural resources.

As recommended in the Comprehensive Plan, the Town has adopted new zoning regulations regarding **wireless communications facilities**.

Cluster Subdivisions

While Mashpee is rapidly running out of large parcels of vacant land suitable for subdivision, the Town should consider ways to ensure that those subdivisions that are done are as well-designed as possible.

Use of Cluster subdivision principles is one fairly sure-fire method to improve design by:

- 1) providing more flexibility in lot layout (via use of reduced frontages and lot sizes vs. "grid" approaches that are designed purely to maximize the number of lots on a site while meeting the minimum lot and frontage requirements of the zoning bylaw),
- 2) reducing environmental impacts by preserving undeveloped open space areas and reducing paved surfaces and
- 3) cutting both initial infrastructure and long-term maintenance costs.

While many, if not the majority, of Mashpee subdivisions done in the last 20 years have been clusters, there are still too many examples of recent "grid" subdivisions which would have been much better done if they had been clusters. The Town should, therefore, consider a combination of both incentives to do clusters and means to "level the playing field" with grid subdivisions with regard to the regulatory approval process.

One potential incentive, which also offers greater flexibility in design and opportunity for open space preservation, would be to reduce minimum lot size to 10,000 square feet in cluster subdivisions. This could be done in combination with the use of a "shape factor" (which allows more flexibility in lot layout) and / or "building envelopes" (which establish where buildings can be located on a lot). Reduction of setbacks (depending on neighborhood type and location) should also be considered. At the same time, the percentage of a cluster project to be left as open space should be increased to 50% if it is to be deeded to the Town and 60% otherwise, in order to increase the environmental benefits of cluster development and to encourage public access to open space areas. (The current Town requirement is 35%, while the Cape Cod Commission's requirement ranges from 50 to 65% for projects subject to their review).

In order to level the regulatory playing field between cluster and standard "grid" subdivisions, the Town should consider a zoning amendment requiring special permits for all subdivisions over 5 lots or 10 acres, similar to what has been done in West Tisbury, West Stockbridge and Grafton. Requiring special permits would also give the Planning Board additional authority to deal with dimensional, design and environmental issues beyond their limited road design and basic zoning dimension authority under standard subdivision review. The Town might alternately consider requiring that a cluster plan to be submitted for all subdivisions of 5 or more lots as suggested by the Regional Policy Plan (Standard 1.1.2), although this would not deal as well with the "level playing field" issue between cluster and "grid" subdivisions.

In addition to increasing flexibility in the layout of lots within a cluster subdivision, the Town should consider adapting the bylaw to allow "**cohousing**" projects and similar **residential compounds** which may not involve lot lines at all. The cohousing concept involves the development of a fairly dense cluster of homes on a single property by a group of residents who have voluntarily joined together to create a small community on shared land with a number of shared facilities. They are usually actively involved in the design, planning and management of the community, which typically averages 15-35 residences. Individual dwellings are designed to have convenient access to shared spaces, including a community building which

usually provides such facilities as a dining room, kitchen, children's playroom, workshop, guest rooms, an exercise area, lounge or library. Shared activities, such as common dinners prepared by residents several times a week, are intended to enhance the residents feeling of "community". Automobile parking is usually clustered on the periphery, with internal streets and paths reserved primarily for pedestrians. The shared facilities result in less expensive housing for residents, while the reduced streets, potential shared wastewater facilities and opportunity for large areas of common open space promise a much more environmentally friendly form of development than the typical subdivision or urban neighborhood. The former New Alchemy Institute property in Hatchville is being developed along these lines.

The Town should also consider developing a **commercial cluster** bylaw, which might be targeted to growth / activity centers to allow more flexible lot design and enhance opportunities for reduced traffic and environmental impacts. (A zoning amendment that allows commercial clusters under the Town's existing "Commercial Center" bylaw was adopted by the October, 1998 Town Meeting.) Such development is also currently allowed under the Mixed-use Developments section of the "Open Space Incentive Development" (OSID) zoning bylaw if done as part of a mixed commercial / residential (except single-family homes) development.

Mixed Use Development

Mixed-use development in a number of forms is currently allowed under the Mashpee zoning bylaw. In the simple sense of a mix of commercial / office uses in one project, such as the "North Market Street" neighborhood of Mashpee Commons, or of a mix of industrial and office uses, as in the Mashpee Industrial Park, it is permitted under Section 174-45.1 of the bylaw under the term "commercial centers". A Mix of residential types, or a mix of residential and commercial or industrial uses, is allowed under Section 174-46 H. of the Open Space Incentive Development bylaw. (The latter was amended In October, 1998 to permit small-lot single family residences in commercial areas, simplify unit calculation mechanisms regarding the number of bedrooms allowed, add single-family homes and lots to the uses allowed in OSID mixed-use projects, clarify that it specifically allows the Planning Board to authorize the creation of residential and commercial lots smaller than those required by the underlying zoning of a parcel and provide flexibility in the provision of required parking on or off a particular building lot, all as recommended in the Plan.)

Zoning Map / Districts

There are also problem areas relative to the zoning map, with **multiple zoning designations on lots** in the Route 130 C/I/R area being one of the most problematic for landowners. Zoning boundaries should be reviewed for their impact on the usability of individual lots as well as for the appropriateness of current zoning district designations for their neighborhoods and their impacts on adjacent roadways, other infrastructure and natural resources. The Town should also consider **increasing the number of zoning district types** in order to provide a more refined tool for establishing or maintaining the character of a neighborhood and for ensuring that the impacts created by new developments in an area do not exceed the capacity of the area's existing or proposed infrastructure. With regard to non-residential districts, a number of issues should be addressed in developing such new district types. The first is the issue of **drive-in restaurants and similar establishments** targeted at drive-by traffic and impulse buyers. While they may be justified in some limited areas, their visual and traffic impact is such that they may not be appropriate in all of our commercial districts. The town should consider limiting them to certain existing commercial "strip" areas on Route 151 near Andy's Market and Route 28 east of the Augat property.

The second commercial zoning issue relates to the type of development proposed for the **Mashpee Commons** area and potential development in the proposed **historic district** near Town Hall. In both cases the Town should consider revised setback, lot size and building dimension requirements in keeping with the desired scale of development. The Town might also consider adoption, if legal, of a **maximum building size limit** for the same reason, particularly if “big box” retail is not considered desirable by Town Meeting..

Many owners of industrially zoned properties have also expressed a desire to be allowed to develop some type of retail or other commercial use that would be acceptable in such areas with regard to impacts on the community. They have had trouble finding buyers or occupants for industrially zoned land or buildings. Should the Town be interested in providing some relief, encouraging economic development and / or increasing tax base, it should consider allowing certain low-impact retail uses in certain of those areas. At the same time, there are a number of areas currently zoned for commercial use that could create significant problems with traffic and other impacts if allowed to develop some of the types of uses currently permitted. To deal with both situations, the Town should consider one or more new “**limited**” **commercial district** types allowing commercial uses that have been demonstrated historically to generate little traffic or other negative impacts.

A more refined set of residential zoning districts should also be considered. There are many areas of the town that developed years ago under earlier zoning, with smaller lot sizes and setbacks. Some were developed with smaller homes that set the “character” of the neighborhood, which many residents would like to maintain. Popponesset Beach, for which an overlay zoning district has been established with smaller lot sizes, setbacks and building heights, is one clear example. Areas being considered for historic district designation might also benefit from special zoning. New Seabury developed under a 1964 special permit and deed restrictions which bear virtually no relation to the current zoning applicable to the area. That zoning should be adjusted to reflect the real situation on the ground. While it will be a number of years before New Seabury’s deed restrictions are again due to expire, adoption of zoning regulations which are consistent with the existing pattern of development in the various New Seabury neighborhoods can provide more long-term certainty for property owners while making our zoning rules more realistic. One additional broader reason for rationalizing our zoning map is to reduce the burden on property owners of variance applications made necessary by the current disconnect between zoning rules and neighborhood conditions in many areas.









In some environmentally sensitive areas, such as the recharge areas of public water supply wells and undeveloped portions of the watersheds of our nutrient-sensitive ponds and bays, **increases**, rather than decreases, in **minimum lot size** areas should be considered if necessary and / or potentially effective in protecting water quality. Such increases could also be considered if appropriate for maintaining the rural character of certain areas and reducing buildout population to the levels recommended by this Plan.

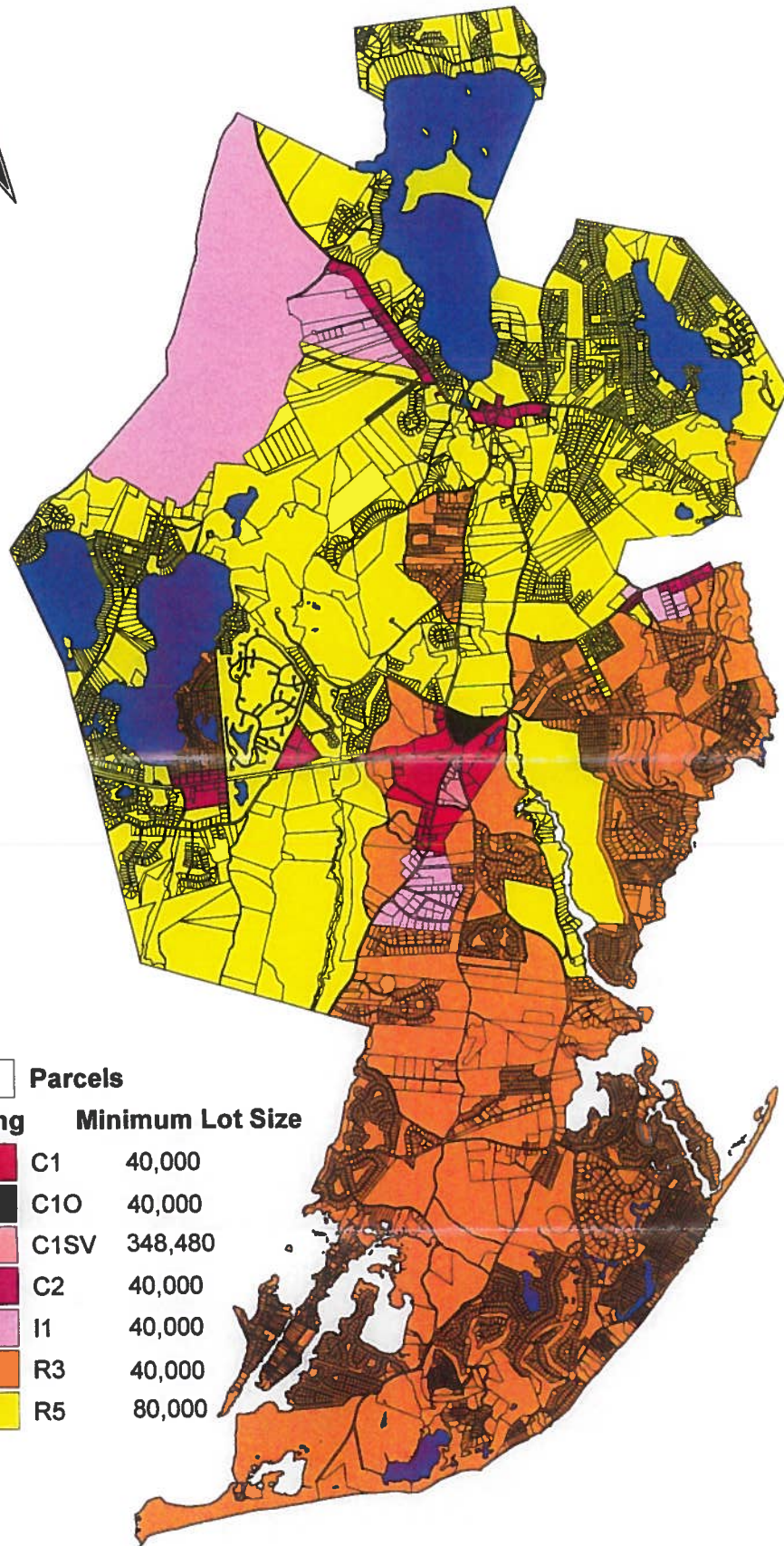
Map 6-4 suggests the type of changes that should be considered with regard to commercial zoning, while Map 6-5 does the same for residential zoning districts. Additional zoning regulation changes that should be considered include adoption of:

- 1) standards for **artificial storm water recharge in Groundwater Protection Districts** consistent with the recommendations of the state Department of Environmental Protection,
- 2) **erosion and sediment control** regulations for site development,
- 3) regulations dealing with **off-site or stand-alone parking lots** in non-residential districts and prohibiting them (unless owned by a public agency) in residential districts,
- 4) changes in the **Flood Zone bylaw** as recommended by the state Department of Environmental management (October 21, 1996 letter attached as Appendix M),
- 5) **lot frontage requirements** keyed to the characteristics of the roadway on which the frontage is proposed, as adopted by the Town of Blackstone (see Appendix N).

Mashpee Zoning Map

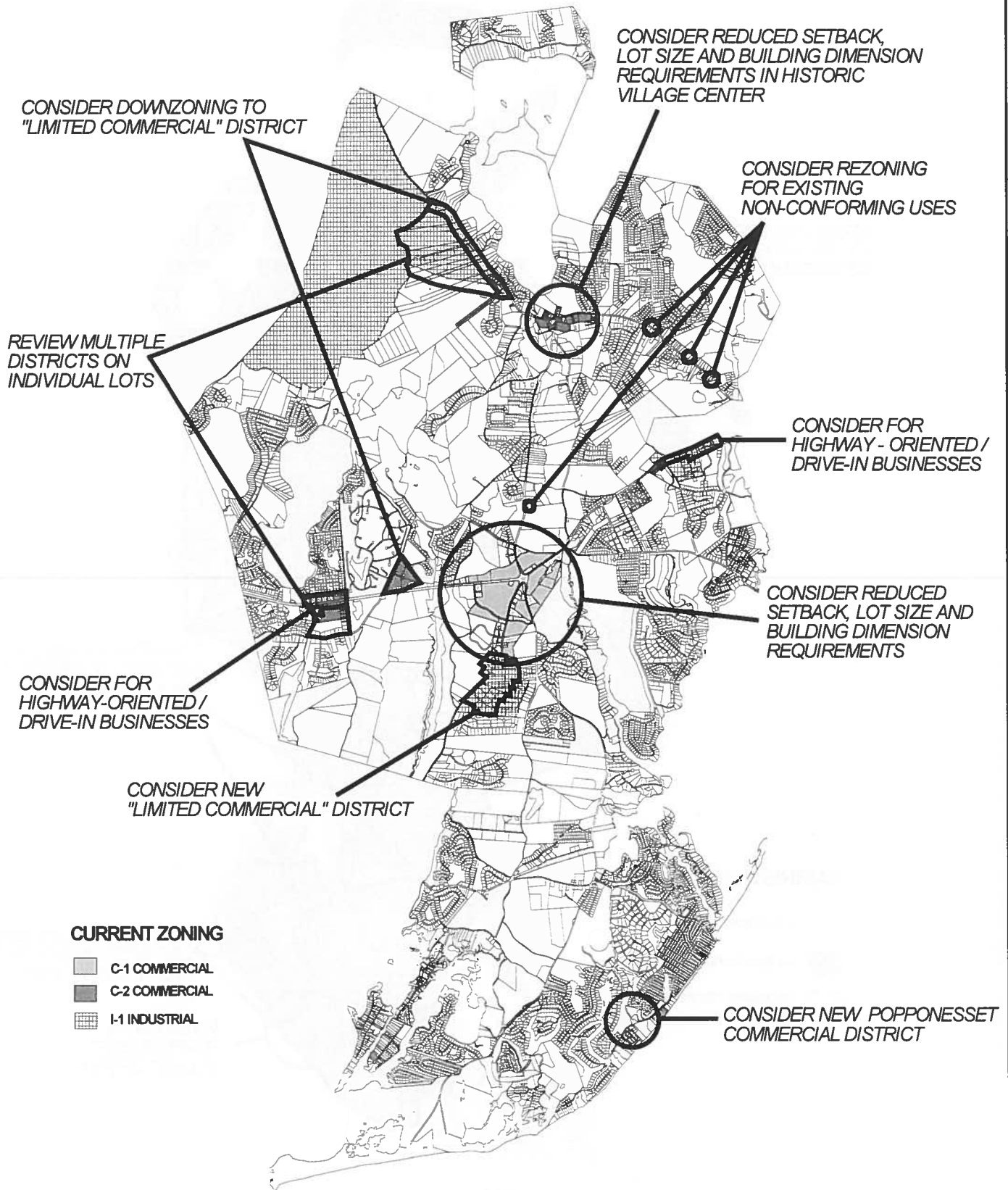


	Parcels	
Zoning	Minimum Lot Size	
	C1	40,000
	C1O	40,000
	C1SV	348,480
	C2	40,000
	I1	40,000
	R3	40,000
	R5	80,000



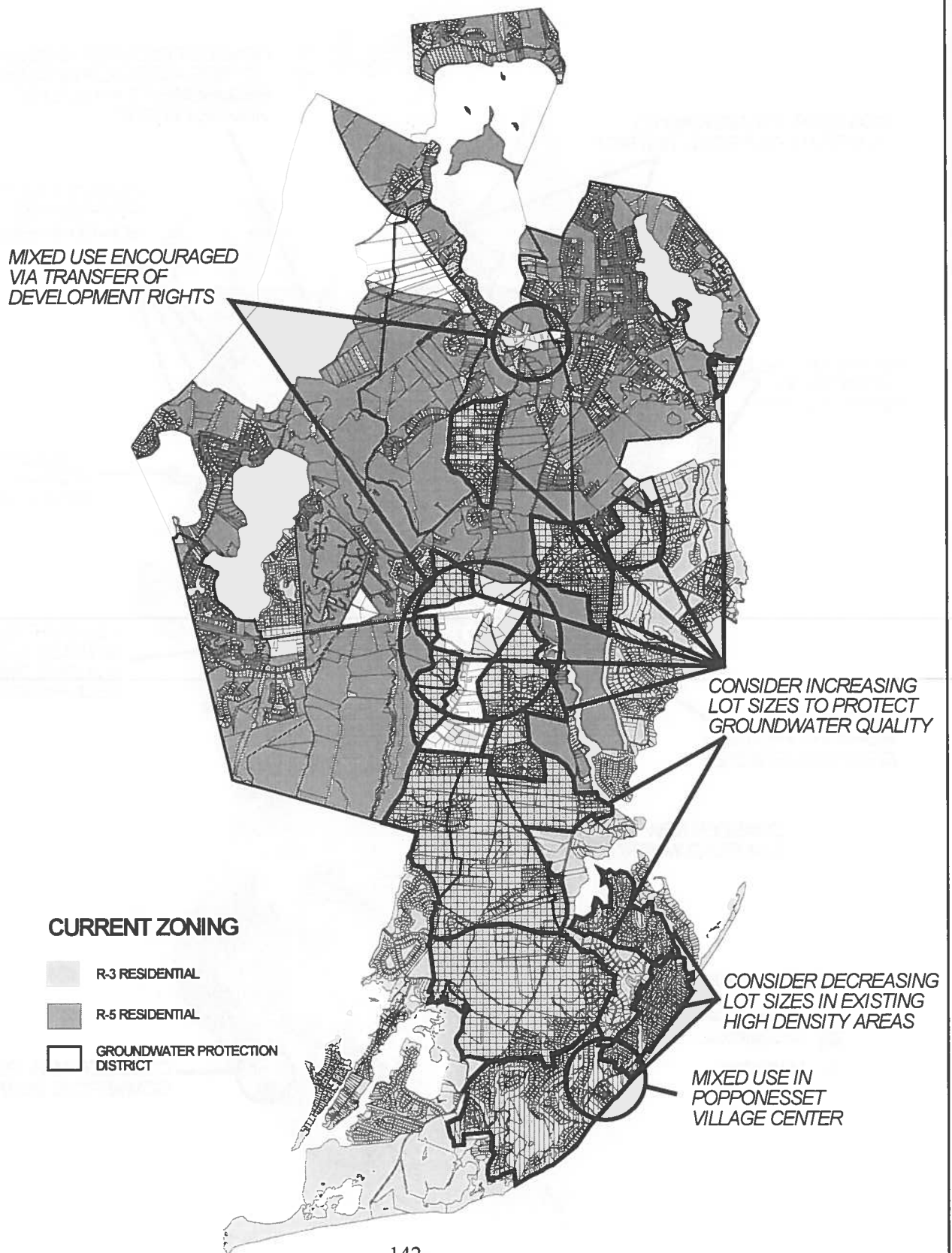
Commercial Zoning Recommendations

Map 6-4



Residential Zoning Recommendations

Map 6-5



Regulatory / Procedural Issues

In order to ensure that the town can cope with projected development, a number of other regulatory and procedural issues will require attention in the next few years. Chief among those is the adoption of **Special Permit regulations** by the planning Board, which now has only a brief mention of special permit projects appended to its subdivision regulations. In addition to procedural issues, those regulations, as well as the Board's **Subdivision Regulations, should be revised** to deal with infrastructure for higher density development such as the Mashpee Commons project, including alternate street types, intersection design, "traffic calming" measures, utilities, sidewalks, curbing, bicycle facilities, street lighting, parking lot design, landscaping etc. Best management practices, as recently recommended by the state Department of Environmental Protection, should also be incorporated for street, parking area and roof drainage in well recharge areas and those of nutrient sensitive water bodies. Other changes which have been suggested by the Planning Board's consulting engineer include the adoption of standards for installation water mains and services (as specified by the Mashpee Water District), and of requirements for 12" berms or curbing along the entire length of new subdivision streets, for loaming and seeding cleared portions of new roadway layouts and for proper testing and certification of roadbase gravel. The Planning Board should also adopt the **outside consultant fee** provisions of M.G.L. Chapter 44, Section 53G.

In order to improve the Planning Board's ability to deal with critical environmental and design issues that go beyond their basic road design review authority under the Subdivision Control Law, as well as to level the regulatory playing field between cluster and standard "grid" subdivisions, the Town should consider a zoning amendment **requiring special permits for all subdivisions over 5 lots or 10 acres**, similar to what has been done in West Tisbury, West Stockbridge and Grafton.

In order to provide more flexibility to developers in lot layout, and potentially less road construction per lot, the Town should consider amendments to our dimensional zoning requirements that use a **lot "shape" factor**, based on a circle of a certain diameter or a rectangle of certain dimensions that must fit into each lot, as well as specifically authorize the Planning Board to establish **"building envelopes"** on lots, within which buildings would have to be located, whatever the standard setback requirements mandate.

Growth Rate / Buildout Population

Based on current zoning and permitted projects, projected buildout year-round population of the town would be 18,523 year-round and 40,479 in the summer, well above the targets established by Objective A of this Plan element. Achieving those targets will be quite difficult, but not impossible. The most effective tool available toward that end will clearly be **acquisition of undeveloped lands** for open space protection. If all currently undeveloped land within the Mashpee National Wildlife Refuge and all the other lands shown as being of conservation or recreation interest in the Open Space, Recreation & Agriculture element of this Plan were preserved, the year-round target could certainly be met and we could come close to the summer target. If not all the proposed affordable housing is built, possibly because of an emphasis on **converting existing residences to deed-restricted affordable units rather than construction of new ones**, that would obviously bring the buildout number down. If some of the currently permitted projects, such as Quashnet Valley Country Club or Southport, do not build out as permitted, the numbers will be reduced. (That has been happening on a small scale with such projects as Windchime point, Willowbend and Stratford Ponds since our buildout projections were completed.) If certain areas of the town are rezoned to require **larger lot sizes** as previously suggested, there would be a small reduction in buildout population.

In addition to the ultimate scale of development at buildout, the rate at which new residences are built can also have a significant impact on the town, particularly with regard to the Town's fiscal condition. Because

of the extraordinary construction boom of the mid-1980s, Town Meeting adopted a "Growth Management" zoning bylaw in May, 1987 in order to slow down and level out the rate of residential construction in the town. The bylaw contains a phasing requirement for the issuance of building permits for new residences in subdivisions, other ("ANR") lot divisions and residential special permit projects. No more than 20% of the lots in a subdivision or lot division approved after May 11, 1987, or of the residential units approved in a special permit project, may be built in any calendar year. OSID projects, special permit developments approved prior to May 11, 1987 whose permit specified an annual phasing schedule, Mashpee Housing Authority housing and 100 deed-restricted low- or moderate-income housing units per year are exempted from the phasing cap.

In addition, there is an annual cap on the number of building permits that can be issued in the entire town in any calendar year. The cap is currently defined as 2 ½ % of the total number of existing dwelling units in the town, plus any uncompleted dwelling units for which building permits have not expired, on December 31 of the previous year. For 1997 the cap was approximately 190 permits. There is also a monthly cap of 10% of the annual total allowed as well as a priority order of persons to whom building permits can be issued in any month.

Since the cap was adopted, there has been no year in which permit activity reached the cap level for that year. Since 1989, building permits for new residences have averaged 147 per year, with a peak of 184.

At this point, no major changes are recommended in the existing bylaw. However, should the town wish to slow down further what is still a more rapid growth rate than the Town would prefer for fiscal reasons, Town Meeting might **consider lowering the cap to a level closer to the average of the last 8 years, or about 150 permits per year.** At the same time, the bylaw could be amended to extend the exemptions noted above to the overall town cap, not just the phasing requirement.

Finally, the filing of speculative subdivisions, which was done at a tremendous rate in the mid-80s in response to proposed lot size requirement increases, should be discouraged by amending the Planning Board's subdivision regulations to **establish a two-year deadline for substantial completion of subdivision improvements** which, if not met, would result in automatic rescission of the subdivision approval.

Land Use Plan

Municipal Facilities Needs Due To Growth

The Plan's land use and population projections forecast continued growth for Mashpee, but at a more gradual rate than the explosion of the 80s. Between 1994 and 2004, Mashpee's year-round population is projected to increase by 29.7-40.5%, to 11,216-12,150 people (vs. our 1980-1990 growth rate of 114%). Summer population is projected to increase by 15.7-30.4% to 27,532-30,999 people. At "buildout" of the town, year-round population is expected to more than double from that of 1994 while summer population is likely to increase by 60-79%.

One of the ominous facts hidden in these projections is the increasingly year-round nature of our projected population. The fiscal implications of that shift are already being felt at Town Meeting, as rapidly growing school budgets dominate all other issues.

Those school costs include both annual operating cost increases and the costs of borrowing for new school facilities. In 1987, the Town spent \$2,218,012 on its schools, along with \$578,367 on tuition to Falmouth

High School and \$184,306 for Cape Cod Tech. For Fiscal Year 1998, the School Department budget had grown to \$9,980,000, with another \$961,000 going to Falmouth High School and \$431,906 to Cape Cod Tech. (The school budgets shown do not include the additional costs of health and retirement benefits for school department employees that are covered elsewhere in the Town's budget.)

During the last decade, the Town has built a new 600-student elementary school (\$7,600,000), added 15 classrooms to the former Middle School (\$1,945,000) and built its first high school (\$28,700,000). While the state reimburses 58% of the funds borrowed to build those schools, the annual impact of that borrowing on the Town's budget and on our tax rate is tremendous. Between the school operating costs noted above, school employee benefits and roughly \$4,000,000 in borrowing for school buildings, more than 60% of the Town's FY 1998 budget goes to fund our schools.

In 1994, there were 1756 Mashpee students attending our own schools, Falmouth High School or Cape Cod Tech. The School Facilities element of this Plan projects that, by 2004, that number will have increased to 2527-2872, a 44-64% increase, which is much greater than the projected growth in year-round residences. The difference is a result of two factors: the gradual lowering of the average age of town residents and a decreasing percentage of retirees among our population. Both trends have been in place since the early 1980s. In addition, the Town has experienced a national phenomena referred to as the "baby boom echo" (the baby boomers settled down and had lots of children). While that boom in new children is apparently past its peak, our schools are only now feeling its effects. By the early years of the next decade, the full effect will be felt at all grade levels.

As a result, the Town will need to construct **an additional school by 2003-4**. The School Facilities element recommends that it be an elementary school and be located on a site behind Town Hall which Town Meeting agreed to acquire a number of years ago through a land trade.

By "buildout" of the town, additional facilities needs are likely, as total student population is anticipated to be in the 4013-4379 range. The **High School** may need to be enlarged to accommodate 1300-1350 grade 9-12 students in peak years. Including the school proposed for 2003-4, 66-68 new classrooms must also be built to accommodate Kindergarten through grade 8 students. There are a variety of options for school system design at that point discussed in the School Facilities element. All, however, require that we reserve sufficient land for future school construction. As a result, that element recommends reservation of a **56 acre site behind Town Hall** capable of handling two schools, consideration of acquiring or trading for **the Wampanoag Rod & Gun Club Property** on South Sandwich Road and reservation of less suitable Town-owned sites off Orchard Road and adjacent to the High School, in case those acquisitions are not possible.

The Municipal Buildings & Facilities element of the Plan specifies other needs that will result from growth of the Town:

- An **expansion of the DPW building**, by doubling the size of its garage. In addition, a **materials storage site** is recommended for development on the northern portion of the existing DPW site or at the former landfill site. An additional 1,600 square foot **maintenance bay** will be required by buildout.
- **Expansion of the Town Library** by 7,500 square feet, from 5,200 to 12,700 square feet is recommended in 2001. By buildout, a total of 16,000 square feet will be required.
- The town needs a **new cemetery**.
- Expansion of the **Recreation Building** at Heritage Memorial Park.
- Expansion of **Town Hall** is projected for 2006.
- Improvements to the **Town Archives** building are proposed in 2004-5. In addition, it is proposed that the Ockway Chapel be moved from the Indian Meeting House Cemetery to a site adjacent to the Archives to serve as an annex and part of a Native American research center.

- Expansion of the **Senior Center** is recommended. By 2002, expansion to accommodate an anticipated Adult Social / Day Care program may be required. Based on more detailed planning studies, that expansion might be combined with other anticipated expansion in 2005. Further expansion is likely to be required by buildout of the town.

Another major facilities need created by housing and population growth, with potential costs second only to schools, is improvement of the Town's **transportation system**. The Transportation element of this Plan specifies recommended new and upgraded roadway facilities, as well as transit projects and new facilities for bicyclists and pedestrians.

The Water & Wastewater Facilities element of the Plan recommends the development of an additional 1-2 million gallons of **public well supplies** by 2000. By buildout, total public supply needs are estimated at 8-10 million gallons per day on peak summer days, vs. current available supply of 2.7 million gallons. In addition, a variety of alternatives for development of public **wastewater treatment facilities** are suggested, including construction of a new municipal treatment facility near Town Hall, expansion and municipal operation of a number of existing and proposed private treatment plants and construction of a collection pipeline and disposal system for treated effluent from a number of plants which would move treated effluent out of the recharge areas of nutrient sensitive water bodies.

The Public Safety element of the Plan describes a number of capital facility and equipment needs made necessary by the town's growth:

- An increase in the Department's fleet of marked cruisers from 7 to 11 is recommended by 2001.
- **Renovation and expansion of the existing fire station** is proposed. The construction of a new Fire Department **substation in South Mashpee** is recommended in 2001, most likely on the "Keeter" property on the north side of Red Brook Road between Great Neck and Great Hay Roads. By buildout, a **second substation** may be needed in the northern portion of the town. In addition, there will be extensive vehicle replacement needs over the next decade, along with the need for a new pumper for the South Mashpee station.
- A new **Town dock** has been constructed for the Harbormaster on Seconsett Island. A new **Harbormaster building** on the same site is recommended. In addition, the Harbormaster's three boats will all have to be replaced by 2005.
- The Plan proposes that the high school become the Town's primary **Civil Defense shelter**, with the Quashnet Schools building becoming the secondary shelter. By buildout, a third shelter should be established, most likely at the new elementary school near Town Hall.
- A **Town dog / animal pound** facility is recommended for development by buildout.

One surefire method of reducing the Town's potential buildout population and attendant service costs is outright acquisition and preservation of large tracts of land as **open space**. The Open Space, Recreation & Agriculture element of the Plan recommends a number of specific acquisitions both over the next five years and in the long range. In addition, it suggests the development of a number of new **recreational facilities** to meet the needs of a growing population, including a "**children's nature trail**", multi-station handicapped-accessible **playground facilities** at John's Pond Park, Heritage Memorial Park and Attaquin Park., an **exercise course** and Little League **field lighting** at Heritage Memorial Park, a temporary **outdoor skating rink**, a second **outdoor basketball court** at Heritage Memorial Park, **three soccer / lacrosse fields** on the Town landfill, once it is capped, **three new town recreation areas** at Route 28 / Sampson's Mill Road, on the Wampanoag Rod & Gun Club property if acquired as suggested previously and on the "Keeter" property on Red Brook Road, an **indoor swimming pool** as an addition to the high school, an **outdoor pool**, possibly as part of the proposed Boys & Girls Club, an **indoor ice arena** adjacent to the high school or the Quashnet Schools as well as development of a number of **neighborhood playgrounds** on small lots in existing residential developments and consideration of acquiring or developing a 9 or 18 hole **Town golf course**.

Growth / Activity Centers

The County's Regional Policy Plan created the concept of "Growth / Activity Centers", defined as "existing and / or new areas designated by the towns through Local Comprehensive Plans and certified by the Commission as suitable locations for new growth and redevelopment." The County suggests three categories of such centers, although towns may expand or refine these categories. *Village Growth / Activity Centers* are "small, pedestrian-oriented settlements which are suitable for a mix of residential and compatible small-scale commercial uses." *Regional Growth / Activity Centers* are "developed areas providing a wide range of commercial goods and services for the immediately surrounding area as well as for a larger region." *Industrial Growth / Activity Centers* are special districts designed to accommodate manufacturing, warehousing, transportation terminals, wholesale business, and related uses."

Under the Regional Policy Plan, Growth / Activity Centers are treated differently than other areas in a number of respects. "Redevelopment" within such centers is specifically "encouraged in order to minimize further land consumption and protect open space", as is cluster development and, where appropriate, mixed-use residential / commercial development. Extension or creation of new roadside "strip" commercial development outside such centers is prohibited. The County suggests that "Adequate infrastructure, including water and sewer, should be provided by public and private means in certified growth / activity centers to support appropriate levels of density as determined by towns in their local comprehensive plans." The County also suggests that, "where appropriate, use of transfer of development rights should be encouraged in order to concentrate development in certified growth / activity centers with adequate infrastructure and preserve open space in outlying areas."

The Water Resources section of the Regional Policy Plan also deals specifically with Growth / Activity Centers by classifying them as "Impaired Areas" for purposes of establishing water quality protection standards. While required to generally meet the 5 ppm nitrogen loading standard for impact on ground water that is applied in other areas, that level may be increased to 10 ppm "where it can be demonstrated to the permitting authority that such increase will cause no significant adverse impact on ponds, wetlands, marine waters, public or private drinking water supply wells and potential water supply wells". In addition, the RPP also specifies that, "where existing development exceeds the 10 ppm nitrogen loading standard, development and redevelopment of that property shall not increase existing levels of nitrogen loading." "Public and private sewage treatment facilities, as well as other remediation measures such as community systems and DEP approved alternative systems with enhanced nitrogen removal" are encouraged, as is the development of public or community water supply systems for areas serviced by private wells.

Where such an "Impaired Area" is located within wellhead protection areas or fresh water or marine water recharge areas, it is designated instead as a "Water Quality Improvement Area". In such areas, development is not to exceed "a 5 ppm nitrogen loading standard or an identified marine water quality standard as applicable." Where existing development exceeds that standard or where there are documented marine water quality problems, development and redevelopment must "improve existing levels of nitrate-nitrogen loading." Sewage treatment facilities are allowed in Water Quality Improvement Areas under the RPP, but are allowed only to remediate existing problems within wellhead protection areas. As almost all of Mashpee lies within the mapped marine water recharge areas of Waquoit or Popponesset Bays, any growth center is likely to qualify as a "Water Quality Improvement Area".

Development in certified Growth / Activity Centers which is reviewed by the Cape Cod Commission as a Development of Regional Impact requires a smaller percentage of open space than does similar development outside such areas. Traffic standards are also reduced in Growth / Activity Centers.

A number of Mashpee Growth / Activity Centers have been designated in this Plan.

An Industrial Growth / Activity Center has been designated for the industrially zoned land on the east side of Route 28 between the Liquor Warehouse and Mashpee Sun Self Storage, including the Mashpee Industrial Park and nearby Town-owned land.

Based on the intensity of existing development, the land along Bowdoin Road, along with the adjacent Augat property, has also been designated as an Industrial Growth / Activity Center

While the Town also has a large area zoned for industrial development between Route 130, Ashumet Road and the Massachusetts Military Reservation, its location partly within The Mashpee National Wildlife Refuge boundary, a Groundwater Protection District and the Zone II of the proposed P-11 Mashpee Water District well, along with concerns about the impact of extensive development of the area on Route 130 traffic capacity and safety, make designation for favorable treatment as a growth / activity center inappropriate at this time.

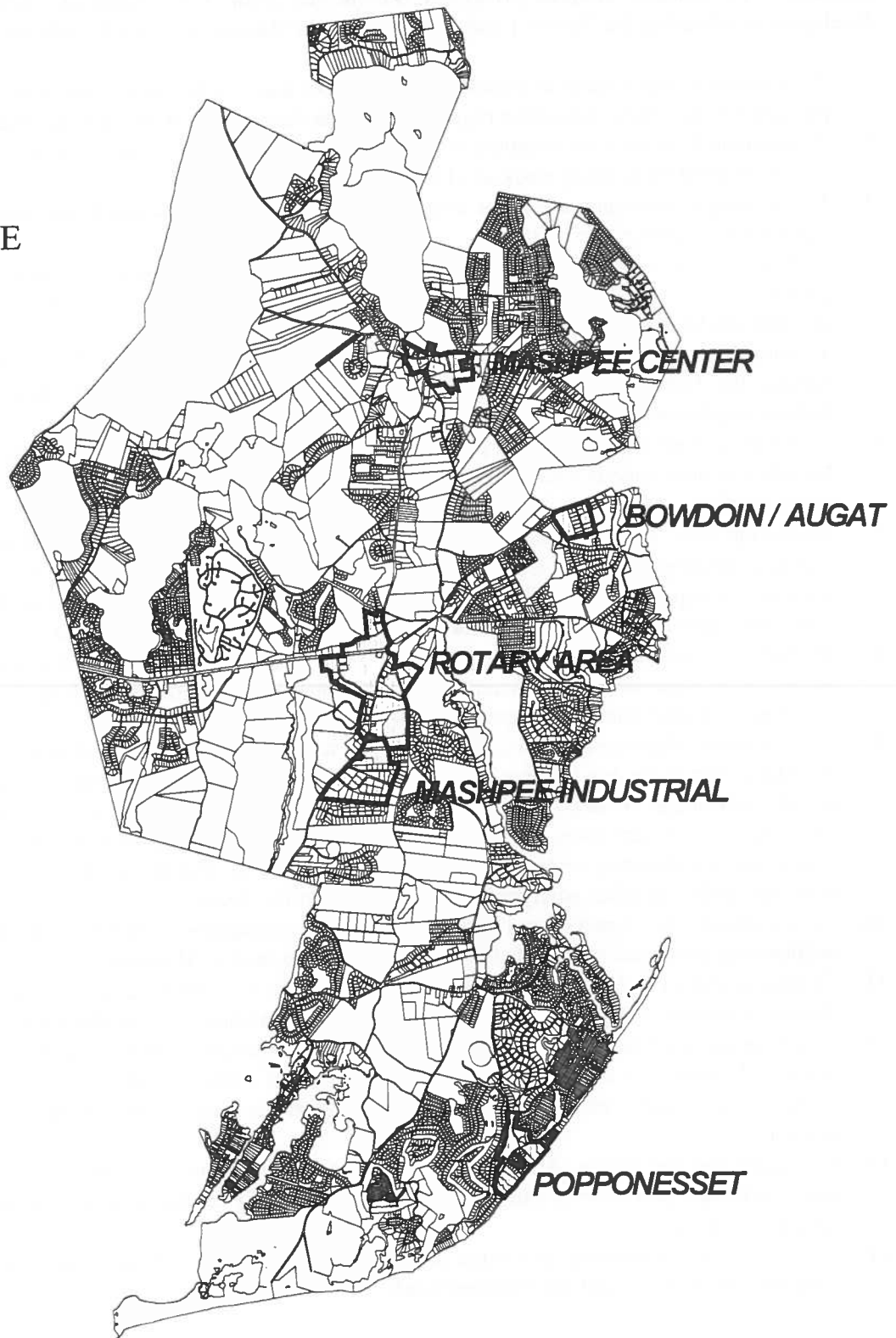
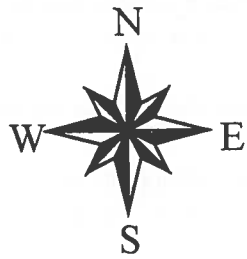
The issue of growth centers was addressed at the Town's 1995 "Vision Workshop". Those in attendance were asked to designate such centers as part of a small group workshop session. The consensus of the group was that the Town has / should have three significant activity centers. The first, seen as a regional commercial center, is the existing commercial area at the Mashpee (Pine Tree Corners) rotary. The second is the historic / government center in the area around Town Hall, the original "center" of town. The third is a summer resort center at the Popponesset Marketplace.

Keeping in mind the reduced standards and potential adverse impacts associated with formal designation / certification of Growth / Activity Centers, only limited areas are proposed for such formal designation at each of the three centers, as shown on the map of Proposed Growth / Activity Centers on the following page.

Although no other areas are proposed for formal designation as Growth / Activity Centers, it should be noted that there are a few other areas which function as small activity centers, or are proposed for mixed-use village-style development. The C-2 zoning districts on Route 151 in the area of Andy's Market and on Route 28 in the vicinity of Cape Drive function as neighborhood commercial centers. However, both are essentially commercial strips on our busiest highways, where application of reduced traffic standards, as allowed in Growth / Activity Centers, is not advisable. The Route 151 area also lies within the Zone II of a number of proposed public water supply wells.

In addition, a new mixed-use Village Center called South Mashpee Village had been proposed by the previous owners of New Seabury for their "Section 5" area between Great Oak Road and Rock Landing Road. The area is covered by the provisions of the New Seabury special permit. Town Meeting has indicated support for the project by allowing a required transfer of units within the special permit area and the Board of Selectmen has entered into the necessary agreements to effectuate that transfer. However, the property surrounds the 400 foot "Zone I" protective radius of two of the Mashpee Water District's largest existing public water supply wells. As a result, they have sued the Town to prevent the transfer, despite provisions of the agreement between the Selectmen and New Seabury which commit the latter to remove all wastewater from the site for treatment outside the "Zone II" groundwater recharge area of those wells. Because the property is effectively exempted from County review by the 1964 special permit, because the Vision Workshop group did not support Growth / Activity Center designation for this area and because of the outstanding litigation, formal designation of that area at this time is not recommended.

Proposed Growth / Activity Centers



Recommended Policies

The following recommended policies are intended to be expressed through new or revised bylaws or regulations or through the ongoing regulatory or other activities of Town departments and boards. They are intended to be formally adopted principles, which will guide Town agencies, residents businesses and developers in achieving the Town's Land Use and Growth Management Goals and Objectives:

1. To maintain a target buildout population of no more than 15,000 year-round and 30,000 in the summer through zoning bylaws and other regulations, public land acquisitions and any other available means.
2. To continue to restrict the issuance of building permits for new residences in any year to no more than 2 1/2% of existing housing stock as of January 1 of that year.
3. To encourage clustering and other compact forms for new development through the Town's bylaws, regulations and review process.
4. To direct any new growth toward existing developed areas or designated regional, village and industrial growth centers where wastewater treatment, public transportation and other public facilities and services can be most efficiently provided.
5. To discourage and direct any new growth away from sensitive natural resources, critical wildlife habitat, the National Wildlife Refuge and other designated open space areas through the Town's bylaws, regulations and review process and any other available means.
6. To direct new growth away from public well recharge areas unless it is serviced by sewage treatment facilities located outside such recharge areas and will not otherwise have an adverse impact on public water supplies.
7. To prevent new "strip" commercial areas through the Town's zoning bylaws and regulations, to require that new development or redevelopment in existing strip areas be properly buffered or landscaped to maintain or improve the visual quality of our major roadway corridors and to prohibit curb cuts which could adversely affect the safety or traffic carrying capacity of adjacent roadways.
8. To utilize Transfer of Development Rights (TDR) and other available regulatory approaches and incentives to direct new development toward appropriate areas while providing an economic alternative for owners of land where development is not desirable.
9. To coordinate planning and management efforts with those of the Massachusetts Military Reservation in order to minimize any adverse impacts of military operations on Mashpee residents and visitors and to take advantage of any opportunities for mutual benefits. Areas of coordination may involve directing development away from runway clear zones and accident potential zones as well as high noise zones, and coordinating water and wastewater facilities development, game management, hazardous materials spills and other emergency response and similar items.
10. To coordinate the Town's land use planning and management efforts with those of the county, neighboring towns and state or federal agencies owning land in Mashpee.
11. To require that new development cover the costs of any new facilities or services it makes necessary through a system of impact fees, through betterment arrangements or by other appropriate means.
12. To encourage land uses which will provide a net fiscal benefit to the town, and increase the number, range and quality of the retail, service, residential and cultural opportunities available to Mashpee residents and visitors, provided that they do not adversely impact any environmental or other critical interests.
13. To require that the design of new development and redevelopment promote energy efficiency, public safety, efficient provision of public utilities and a pleasing visual environment and protects sensitive natural resources.
14. To encourage coordinated provision of public infrastructure, utilities and other facilities which reinforces the Town's land use planning goals.

15. To require that the design and landscaping of new development and redevelopment be compatible with and enhance the town's traditional character and visual environment.

Action Plan

The Goals and Objectives identified above are intended to provide a long-range focus for Mashpee's land use planning and growth management activities. They serve as a guide both to plotting long-range strategies and to dealing with challenges and opportunities that will surely arise but can rarely be predicted. The recommended policies are formally adopted principles which are intended to guide the Town's regulatory, construction and other activities which affect land use and the character of our community and its neighborhoods. In response to those goals, objectives and policies and to the issues and problems identified in the other chapters of the full text of this element, the Action Plan identifies specific regulatory and other actions which should be taken, both in the next five years and over the long term, to maintain our quality of life. It also serves to summarize and integrate the recommendations of a number of the other elements of the Plan which relate to land acquisition, the location and development of public facilities and the protection of Mashpee's natural resources.

Unlike most of the other Plan elements, almost all of the recommendations of this Action Plan can and should be implemented in the next five years. For clarity, therefore, they are arranged by general topic rather than as five-year and long range plans. The topics covered are Growth Management, Growth / Activity Centers, Municipal Facility Sites, Community Character & Appearance and Zoning & Regulatory Issues.

Growth Management

This Plan recommends adoption of a **target population of 15,000 year-round residents**, rather than the 18,000+ currently projected and on which the Plan's "buildout" capital facilities recommendations are based. In order to achieve that very aggressive target, which is about the lowest the Town can hope to achieve without eliminating existing developed lots and special permit projects which have already been approved and / or developed, a number of actions should be pursued:

- an aggressive program of **acquisition of undeveloped lands** for open space protection, including all currently undeveloped land within the Mashpee National Wildlife Refuge and all the other lands shown as being of conservation or recreation interest in the Open Space, Recreation & Agriculture element of this Plan,
- emphasis on **converting existing residences to deed-restricted affordable units** rather than construction of new affordable housing units **to meet the county and state affordable housing target of 10% of housing units**,
- rezoning of certain areas of the town to require **larger lot sizes** and
- requiring that residential units added to mixed-use or high density developments be obtained through **transfer of development rights** from other parts of the town.

In addition, the Town should **be conservative in granting lot size variances** that make lots buildable which are not legitimately protected under the Town and state "grandfather" clauses.

Should the town wish to slow down further what is still a more rapid growth rate than would be preferred for fiscal reasons, Town Meeting might consider **lowering** the Growth Management Bylaw's **annual building permit cap** to a level closer to the average of the last 8 years, or about 150 permits per year. At the same time, the bylaw should be amended to extend to the overall annual permit cap, not just the phasing requirement, the exemptions for OSID projects, special permit developments approved prior to May 11,

1987 whose permit specified an annual phasing schedule, Mashpee Housing Authority housing and 100 deed-restricted low- or moderate-income housing units per year.

A system of **school facilities, transportation, recreation, and other facilities impact fees** should be adopted by the Town once this Plan is certified by the Cape Cod Commission.

Growth / Activity Centers

Five areas are recommended for designation as Growth / Activity Centers under the terms of the Cape Cod Commission Act and the Regional Policy Plan:

- The first is an Industrial Growth / Activity Center in the area of the **Mashpee Industrial Park**, including the full Industrial Park, along with the adjacent undeveloped Rogers & Marney industrial subdivision, Madaket Place office / industrial condominium, 11 acres of adjacent Town-owned industrial land and the industrially-zoned portion of the property owned by the heirs of Elise Otis.
- The second is another Industrial Growth / Activity Center which includes the land along **Bowdoin Road**, along with the adjacent Augat property.
- The **rotary area** is suggested for designation as a Regional Growth / Activity Center. That center's boundaries would encompass the area of currently-permitted development at Mashpee Commons and the area between that permitted development and Job's Fishing Road, along with the Town Library, Christ the King Church property and Homeyer Village, the currently-permitted portion of the North Market Street project as well as its proposed westward extension to the police station, Sandpiper Village and the commercially-zoned land west of Great Neck Road North, the area between Great Neck Road South, the centerline of the Commonwealth Electric power line easement and Route 28, the commercial portion of Deer Crossing, the adjacent Canning commercial subdivision and the land between that subdivision and Job's Fishing Road.
- The **traditional town center around Town Hall** is proposed for designation as a Village Growth / Activity Center. The specific properties proposed for inclusion are those lands currently zoned C-2 in the area (excluding those parcels identified on the 1997 Mashpee Assessors' Maps as Map 36, Blocks 47D, E and F), as well as any remaining portions of those C-2 parcels which lie outside the C-2 zone, the remaining parcels between Main Street and Attaquin Park, and those parcels identified on the 1997 Mashpee Assessors' Maps as Map 36, Blocks 2, 3, 6, 17, 18, 39, 53 and 54.
- The seasonal resort center at the **Popponesset Marketplace** is also proposed for designation as a Village Growth / Activity Center. The specific lands proposed for inclusion include all of Maushop Village and the Rock Landing neighborhood, the Popponesset Marketplace and Popponesset Inn properties, the Stendahl Condominium and those properties shown on the 1997 Mashpee Assessors' Maps as Map 123, Blocks 165, 171, 187, 188, 189, 190, 191, 192, 209 and 210.

Municipal Facility Sites

This and the other elements of Mashpee's Comprehensive Plan recommend development of a number of new municipal and regional facilities. A number will require the acquisition of **new sites or the reservation of existing Town lands** for specific future uses. Those sites are summarized below. Almost all recommendations involve acquisition or reservation of sites within five years.

Five-Year Plan:

If school population growth continues as projected, the Town will need to construct an **additional school by 2003-4**. The School Facilities element recommends that it be an elementary school and be located on a site

behind Town Hall which Town Meeting agreed to acquire a number of years ago through a land trade. Unless the aggressive efforts at growth management described previously are successfully implemented, by “buildout”, the High School may need to accommodate 1300-1350 grade 9-12 students in peak years, exceeding its design capacity of 1180 students. Portable classrooms appear to be the only feasible option, given the difficulty and expense that would be associated with attempting to enlarge the school's core facilities. Including the school proposed for 2003-4, **66-68 new classrooms** must also be built to accommodate Kindergarten through grade 8 students **in 2-3 new school buildings**. In order to accommodate those new schools, the School Facilities element recommends that immediate steps be taken to:

- acquire a **56 acre site behind Town Hall** capable of handling two schools,
- consider acquiring or trading for the **Wampanoag Rod & Gun Club Property** on South Sandwich Road and
- reserve two less suitable Town-owned **sites off Orchard Road and adjacent to the High School**, in case those acquisitions are not possible.

The school board has also indicated a need for a new **school administration office building** to provide 2500-3000 square feet of permanent office space for the Superintendent and other administrative staff. A number of sites have been suggested in the School Facilities element of the Plan, including sites near Town Hall and on the High School property.

The town needs a **new cemetery**, as the current one at the Indian Meeting House is reaching its capacity. Town Meeting has voted to locate the new cemetery on a 15-acre triangular parcel of land at the intersection of Great Neck Road South and Great Hay Road.

The Water & Wastewater Facilities element of the Plan recommends the development of an additional 1-2 million gallons of **public well supplies** by 2000. By buildout, total public supply needs are estimated at 8-10 million gallons per day on peak summer days, vs. current available supply of 2.7 million gallons. In order to protect those supplies, **sufficient land should be acquired and protected** within the next five years at the P-11, P-1#5, Mashpee Village and Meetinghouse Village well sites and the “Belcher” property on Lowell Road. In addition, the existing Town land at the T-8 and T-5 well sites, along with the Town parcel identified on the Assessors’ maps as Map 92, Block 4, should be protected and reserved for future well use.

A variety of alternatives for development of **public wastewater treatment facilities** are suggested in the Water & Wastewater Facilities element, including construction of a **new municipal treatment facility near Town Hall** on a 56 acre site proposed for construction of one or two new schools, **expansion and municipal operation of a number of existing and proposed private treatment plants** and construction of a **collection pipeline and disposal system for treated effluent from a number of plants** which would move treated effluent out of the recharge areas of nutrient sensitive water bodies. Sites should be identified and reserved for these facilities as soon as possible.

The construction of a new **Fire Department substation in South Mashpee** is recommended by the Public Safety element in 2001, most likely on the “Keeter” property on the north side of Red Brook Road between Great Neck and Great Hay Roads.

The Open Space, Recreation & Agriculture element recommends development of a number of new **recreational facilities** to meet the needs of a growing population. Most will be at existing recreation sites. However, it also recommends development of the following facilities on new sites, which should be acquired or reserved during the next five years:

- three soccer / lacrosse fields on the **Town landfill**, once it is capped,
- **three new town recreation areas** on existing Town land at Route 28 / Sampson's Mill Road, on the Wampanoag Rod & Gun Club property, if acquired as suggested previously, and on the Town-owned "Keeter" property on Red Brook Road,
- **neighborhood playgrounds** on small lots in existing residential developments,
- an **indoor swimming pool** as an addition to the high school,
- an **outdoor pool**, possibly as part of the proposed Boys & Girls Club and
- an **indoor ice arena** adjacent to the high school or the Quashnet Schools.

The **Cross Cape Trail** is a joint Mashpee-Sandwich project to construct a continuous walking trail from Sandy Neck on Cape Cod Bay to South Cape Beach as part of the Cape Cod pathways trail project. Acquisition of any necessary lands or easements to complete construction of the trail is recommended.

Land acquisition for certain new **roadway and bicycle path rights-of-way** and expansion of other existing facilities is recommended in the Transportation element of this Plan.

The reservation of certain existing Town-owned lands for future construction of **affordable housing** units is specified in the Affordable Housing element of this Plan.

The Town supports the construction of the **Boch Center for the Performing Arts**, currently proposed to be located on Great Neck Road South, which will be the Cape's first year-round performing arts facility and a major enhancement to the community.

The Town supports the **Boys & Girls Club of Cape Cod** and has donated a parcel of Town land adjacent to the Police station and K.C. Coombs School for construction of a facility for all upper Cape youth.

Long Range Plan:

By buildout, a **second fire substation** is recommended in the northern portion of the town. Three possible sites near Town Hall are described in the Public Safety element, with the most likely scenario being a location on a portion of the 56-acre site suggested for the town's next elementary school.

A **Town dog / animal pound** facility is recommended for development by buildout. No firm site has been identified at this time, although a location at the current landfill site may be appropriate.

Consideration of acquiring or developing a 9 or 18 hole **Town golf course** is also recommended by the Open Space, Recreation & Agriculture element. Aside from possible purchase of the existing Quashnet Valley Country Club, no firm site has been identified.

Community Character & Appearance

A number of regulatory and permitting approaches should be considered to improve landscaping practices and maintain the visual character of the town:

Regulations should be considered which would **prohibit, or require permits for, clear-cutting of lots** and mandate the retention of uncut **buffer areas** along the perimeters, and especially the road frontage(s), of any lot.

General landscaping standards should be adopted for multi-family, mixed-use and non-residential projects through zoning and as part of the special permit regulations adopted by the Planning Board and Zoning Board of Appeals. Such rules should require that all trees over a certain diameter, as well as other “specimen” trees, be indicated on project site plans and be retained, where feasible, as part of project landscaping (and in all cases within required buffer areas along roadways and property lines). Preference should also be given to the use of landscaping materials that are native to, or common on, Cape Cod.

Minimum standards should also be adopted for the design and landscaping of parking lots, often the predominant and most visually problematic use on non-residential properties.

The Town should carefully review its **sign codes** and the effect of recent changes in order to ensure that allowed signage functions properly without disrupting the visual character of the neighborhood.

Design guidelines should be developed and adopted in order to encourage structures which will be both aesthetically pleasing on their own and consistent with the traditional character of the area.

Dimensional regulations contained in the Zoning Bylaw should be reviewed for their appropriateness in maintaining **building scale** that is consistent with the character of, and not detrimental to, the surrounding neighborhood.

In some cases, **new types of zoning districts, or overlay districts**, such as that adopted for Popponesset Beach, should be considered **to emphasize and protect the distinctness of a neighborhood**.

Consideration should be given to requiring that **parking lots** in certain areas be located to the side or rear of buildings rather than the front.

Guidelines should be adopted for **loading docks, trash disposal / storage areas, utility structures** and other elements typically required for larger or non-residential developments.

Creation of a **Historic District** should be considered for the traditional center of the Town in the vicinity of Town Hall and along Main Street (Route 130).

Mashpee should consider adoption of zoning and special permit regulations regarding **exterior lighting** and its impacts on neighboring properties and on the community in general. An exterior lighting plan, for example, should be required for applications proposing more than 5,000 watts of exterior lighting. In addition, “light overspill” onto adjacent premises should be regulated by means similar to those adopted by the Cape Cod Commission and the Towns of Tyngsborough and Norwood.

The **Town should take the lead** in ensuring that its own buildings and other development projects are appropriately and **attractively designed and landscaped**. Landscaping should be improved at our public buildings and along our roadways, which are the most prominent and visible pieces of real estate the Town owns. Appearance should also be considered, along with function and safety, in the design of roadway improvements, bikeways and parking areas. The use of attractively landscaped “roundabouts” rather than unsightly traffic signals and multiple turn lanes should be considered at a number of problem intersections, including that of Great Neck Road North with Main Street.

Zoning & Regulatory Issues

The Town should **re-codify and clarify the entire zoning bylaw** to make it more user friendly. In addition, a review should be made of the text of the zoning bylaw before and after the 1989 recodification to **correct**

errors and omissions that appear to have occurred, resulting in de-facto changes in some provisions of the bylaw without proper review and approval by the Planning Board and Town Meeting.

Many land uses which either currently exist, or are likely to be sought, in the town are **covered poorly or not at all by the zoning bylaw**. Examples of the former are golf courses, fast food restaurants, agricultural uses and sand and gravel pits. Examples of the latter which should be considered for inclusion are campgrounds, “adult” uses, congregate care / assisted living facilities, age-restricted retirement communities and wireless communications towers.

The town should consider whether or not it supports the construction of new commercial **golf courses** and, if so, develop standards and regulations that would allow them to be accommodated in residentially zoned areas. A suggested draft zoning bylaw is included as Appendix F to the full text of this Plan element.

The Town should consider revising its zoning regulations to more appropriately deal with the characteristics and impacts of **fast food restaurants** that differ from those of other uses generally permitted in commercial areas. The approach taken by Falmouth’s proposed bylaw, breaking restaurants into a number of classifications, might be considered. A more refined breakdown of commercial zoning district types might also be considered, to more closely fit allowed uses and regulatory requirements to particular areas of the town.

Given the current Town focus on green tourism and the lack of hotels in the town which could benefit from tourist dollars generated by the Mashpee National Wildlife Refuge and other natural amenities, it may be time to revisit the issue of allowing **campgrounds** and setting development standards. One example of a possible bylaw, first proposed in 1989, is included as Appendix G to the full text of this Plan element.

The Town should develop appropriate regulations limiting where “**adult**” uses could occur, given the fact that they can not be prohibited outright. The most likely zoning scenario is allowance of such uses in certain commercial or industrial zones, while requiring them to be separated from each other and from “sensitive” receptors such as schools, churches and residential neighborhoods by a certain distance.

In order to enhance our tax base while not increasing school costs, the Town should specifically allow, encourage, and possibly provide incentives for, **residences that are age-restricted to persons over 55** (allowable under state law) and other forms of housing unlikely to be occupied by families. These include **nursing homes, “congregate care” and “assisted living” facilities, as well as age-restricted retirement communities** (such as Southport). The Town should consider developing specific zoning regulations allowing some or all of these uses in residential zones, with adequate safeguards to avoid adverse impacts on neighbors and the town’s natural resources. A draft zoning proposal regarding congregate care and assisted living facilities is included as Appendix I to the full text of this Plan element.

The Town must become pro-active in ensuring that **wireless communications towers** (which we cannot ban under the provisions of the recent federal Communications Act) do not become a blight upon our landscape. This can be accomplished by zoning and other regulations which encourage co-location of new services on existing towers and high structures (such as water tanks and church steeples) and by planning in advance to determine where towers are likely to be needed and where they should be prohibited. The Cape Cod Commission has developed a model bylaw relative to such towers for use by towns on the Cape. Mashpee should consider use of that model in developing its own bylaw. The Town should also:

- create a mailing list of licensed wireless carriers, site acquisition and construction consultants and other interested parties,

- conduct a workshop to discuss existing structures, locations and potential height overlay districts with wireless carriers and their representatives, police, fire, ComElectric, the Water District, church representatives (who have suitable steeples) and representatives from adjacent towns,
- ask the carriers for information on what locations they are considering and where they think they will need to locate taller mounts,
- determine whether there are any Town-owned properties suitable for location of such facilities,
- create overlay districts for taller towers (based on the carriers needs and on potential adverse impacts of such towers on particularly sensitive areas of the town) as part of a new zoning bylaw dealing with wireless communications towers and
- issue a Request for Proposals (RFP) soliciting interest in location of such facilities on suitable Town lands. Any projects which the Town wishes to pursue may require Town Meeting approval (if involving a lease or sale of land) and careful consideration of the terms of any lease or license agreement (see Appendix J for basic considerations regarding such terms).

Under a January 8, 1998 ruling by the state's Department of Telecommunications and Energy, which reversed a February 9, 1996 ruling, wireless communications providers are now considered "public service corporations" which can obtain an exemption from the Department from local zoning regulations after a public hearing in the town affected. While this ruling has severely weakened the Town's ability to control the location and characteristics of such structures, the Department has strongly encouraged wireless providers to pursue local permits before seeking exemptions. It should be noted that the Department's decision does not exempt providers from regulation by the Cape Cod Commission.

The Town should consider a combination both of **incentives to do "cluster" subdivisions** rather than standard "grid" subdivisions and of various means to "level the playing field" with grid subdivisions with regard to the regulatory approval process.

One potential incentive, which also offers greater flexibility in design and opportunity for open space preservation, would be to **reduce minimum lot size to 10,000 square feet in cluster subdivisions**. This could be done in combination with the use of a "**shape factor**" (which allows more flexibility in lot layout) and / or "**building envelopes**" (which establish where buildings can be located on a lot). Reduction of setbacks (depending on neighborhood type and location) should also be considered. At the same time, the **percentage of a cluster project to be left as open space should be increased** to 50% if it is to be deeded to the Town and 60% otherwise, in order to increase the environmental benefits of cluster development and to encourage public access to open space areas. A further 10% increase might also be considered within the boundaries of the Mashpee National Wildlife Refuge.

In order to level the regulatory playing field between cluster and standard "grid" subdivisions, the Town should consider a zoning amendment requiring **special permits for all subdivisions over 5 lots or 10 acres**, similar to what has been done in West Tisbury, West Stockbridge and Grafton. The Town might alternately consider requiring that a **cluster plan to be submitted for all subdivisions of 5 or more lots** as suggested by the Regional Policy Plan (Standard 1.1.2), although this would not deal as well with the "level playing field" issue between cluster and "grid" subdivisions. Finally, the Town should also **consider making cluster subdivisions mandatory** for residential developments, at the Planning Board's option.

In addition to increasing flexibility in the layout of lots within a cluster subdivision, the Town should consider adapting the bylaw to allow "**cohousing**" projects and similar **residential compounds** which may not involve traditional lot lines at all.

The Town should also consider developing a **commercial cluster** bylaw, applicable to commercial and industrial subdivisions, which might be targeted to growth / activity centers to allow more flexible lot design

and enhance opportunities for reduced traffic and environmental impacts. A potential zoning amendment that allows commercial clusters under the existing “Commercial Center” bylaw is included as Appendix K. The developers of Mashpee Commons have recently suggested that the Commercial Center bylaw be modified to allow **apartments as accessory uses of upper floors above commercial uses** in a portion of their development. The Town should review this proposal with regard to potential impacts on Town services, water resources and traffic and consider options for allowing such uses based on transfer of development rights principles.

The **rules applicable to older cluster subdivisions** which were not done under special permits **must be clarified** with regard to the level of permanent statutory protection from future zoning changes they should be provided in consideration for open space set aside when they were developed.

The Town should consider significantly **simplifying the unit calculation** mechanisms within the **OSID bylaw**, but also add a specific requirement that a **fiscal impact analysis** be produced for such projects as part of the permitting process. The bylaw should also specify that projects exceeding a certain level of negative fiscal impact would not be permitted. (Projects must already demonstrate a lack of significant negative impact regarding water quality and other environmental issues.) The Town should also consider **increasing the usefulness of the bylaw for mixed-use projects** by:

- adding **single-family homes** and lots to the uses allowed in OSID mixed-use projects,
- clarifying that it specifically allows the Planning Board to authorize the creation of residential and commercial **lots smaller than those required by the underlying zoning** of a parcel,
- providing **flexibility** in the provision of required **parking** on or off a particular building lot,
- providing more **flexibility** in the establishment of **project phasing timetables** than is currently allowed,
- establishing an amendment or phasing process that would allow the **addition of residential units over time** via additional development rights transfers from critical open space areas and
- changing the project location requirements to **favor location** of the developed portions of such projects **in designated growth / activity centers**.

The “**Open Space Incentive Plan**” map included as part of the OSID bylaw should be **updated** to reflect the existence of the new National Wildlife Refuge, recent open space purchases, the loss of certain lands formerly owned by the Town and the Action Plan map contained in the Open Space, Recreation & Agriculture element of this Plan.

Areas of the town with multiple zoning designations on lots should be reviewed to determine if **boundary changes** are warranted to minimize adverse impacts on the usability of individual lots as well as to ensure the appropriateness of current zoning district designations for their neighborhoods and minimize their impacts on adjacent roadways, other infrastructure and natural resources.

The Town should also consider **increasing the number of zoning district types** in order to provide a more refined tool for establishing or maintaining the character of a neighborhood and for ensuring that the impacts created by new developments in an area do not exceed the capacity of the area’s existing or proposed infrastructure. In doing so, the following issues and areas should be considered:

- The town should consider limiting **drive-in restaurants and similar establishments** targeted at drive-by traffic and impulse buyers to certain existing commercial “strip” areas on Route 151 near Andy’s Market and Route 28 east of the Augat property.
- In the **Mashpee Commons** area and in the proposed **historic district** near Town Hall, the Town should consider **revised setback, lot size and building dimension requirements** in keeping with the desired scale of development. The Town might also consider adoption, if legal, of a **maximum building size**

limit in those areas for the same reason, particularly if “big box” retail is not considered desirable by Town Meeting.

- Should the Town be interested in providing some relief, encouraging economic development and / or increasing tax base, it should consider allowing certain **low-impact retail uses in certain industrially zoned areas**. At the same time, there are a number of areas currently zoned for commercial use that could create significant problems with traffic and other impacts if allowed to develop some of the types of uses currently permitted. To deal with both situations, the Town should consider one or more new “**limited**” **commercial district** types allowing commercial uses that have been demonstrated historically to generate little traffic or other negative impacts. One example of the zoning that might apply to such a district, a C-3 “Commercial Transition District” bylaw proposal, is included as Appendix L to the full text of this Plan element.
- A more refined set of **residential zoning districts** should be considered. Popponesset Beach, for which an overlay zoning district has been established with smaller lot sizes, setbacks and building heights, is one clear example of an area which should probably have its own basic zoning district. Other older high-density residential neighborhoods should also be considered for such changes where they are supported by neighborhood residents. Areas being considered for historic district designation might also benefit from special zoning.
- Zoning in **New Seabury** should be adjusted to reflect the real situation on the ground under the project’s 1964 special permit and deed. Adoption of zoning regulations which are consistent with the existing pattern of development in the various New Seabury neighborhoods can provide more long-term certainty for property owners while making our zoning rules more realistic.

In the recharge areas of public water supply wells and in undeveloped portions of the watersheds of our nutrient sensitive ponds and bays, **increases in minimum lot size areas** should be considered if necessary and / or potentially effective in protecting water quality. Such increases could also be considered if appropriate for maintaining the rural character of certain areas and reducing buildout population to the levels indicated by residents in the 1992 opinion survey and recommended as an objective of this Plan.

The Planning Board should adopt its own comprehensive **special permit regulations**.

The Planning Board's **Subdivision Regulations** should be revised to deal with:

- **infrastructure for higher density development** such as the Mashpee Commons project, including alternate street types, intersection design, “traffic calming” measures, utilities, sidewalks, curbing, bicycle facilities, street lighting, parking lot design, landscaping etc.,
- best management practices, as recently recommended by the state Department of Environmental Protection, for **street, parking area and roof drainage** in well recharge areas and those of nutrient sensitive water bodies,
- standards for installation **water mains and services** (as specified by the Mashpee Water District),
- requirements for **12” berms or curbing** along the entire length of new subdivision streets as recommended by the Board’s consulting engineer,
- requirements for **loaming and seeding** cleared portions of new roadway layouts and
- proper testing and **certification of roadbase gravel**.

The Planning Board should also adopt the **outside consultant fee** provisions of M.G.L. Chapter 44, Section 53G.

The filing of **speculative subdivisions** should be discouraged by amending the Planning Board’s subdivision regulations to establish a **two-year deadline** for substantial completion of subdivision improvements which, if not met, would result in automatic rescission of the subdivision approval.

In order to provide more **flexibility** to developers in **lot layout**, and potentially less road construction per lot, the Town should consider amendments to our dimensional zoning requirements that use a lot “**shape**” factor, based on a circle of a certain diameter or a rectangle of certain dimensions that must fit into each lot, as well as specifically authorize the Planning Board to establish “**building envelopes**” on lots, within which buildings would have to be located, whatever the standard setback requirements mandate.

Additional zoning regulation changes that should be considered include adoption of

- **standards for artificial storm water recharge** in Groundwater Protection Districts consistent with the recommendations of the state Department of Environmental Protection,
- **erosion and sediment control** regulations for site development,
- regulations dealing with **off-site or stand-alone parking lots** in non-residential districts and prohibiting them (unless owned by a public agency) in residential districts,
- changes in the **Flood Zone bylaw** as recommended by the state Department of Environmental management
- **lot frontage** requirements keyed to the characteristics of the roadway on which the frontage is proposed, as adopted by the Town of Blackstone.